



Province of Alberta

The 27th Legislature  
Second Session

# Alberta Hansard

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The Honourable Kenneth R. Kowalski, Speaker

# Legislative Assembly of Alberta

## The 27th Legislature

Second Session

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## Legislative Assembly of Alberta

1:30 p.m.

Tuesday, November 3, 2009

[The Speaker in the chair]

### Prayers

**The Speaker:** Good afternoon. Welcome.

Let us pray. Grant us daily awareness of the precious gift of life which has been given to us. As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country. Amen.

Please be seated.

### Introduction of Guests

**The Speaker:** The hon. Member for Edmonton-Decore.

**Mrs. Sarich:** Thank you, Mr. Speaker. Today it gives me great pleasure to rise to introduce to you and through you to all members of the House visitors from my constituency of Edmonton-Decore. There are 55 wonderful students, our future leaders, from the Edmonton Christian school northeast campus, which also is celebrating its 60th anniversary and 10th year of partnership with Edmonton public schools later this month. Also, this happens to be the alma mater of the Member for Edmonton-Beverly-Clareview.

It gives me distinct pleasure to welcome these students. They're joined by their teachers, Mr. Greg Gurnett, Miss Elaine Junk, Mrs. Melanie Sigrist; parent helpers Mrs. Charlene Stoklosa, Mr. Don Gerdun, Mrs. Karen Vandermeer, Mrs. Colleen Barbe, Mrs. Lori Bourgeois, Mr. Fred Woudstra, and Mrs. Evelyn Wiebe. I would now ask the students and their teachers and parent helpers from Edmonton Christian school northeast campus, who are seated in the members' gallery, to please rise to receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Thank you. We have a group of students today in our gallery who are also your guests, Mr. Speaker, as they participated in today's marvellous service for Remembrance Day; that is, two classes from St. Timothy elementary school in Edmonton, which happens to be residing in my riding of Edmonton-Castle Downs. These 44 students are accompanied by Mrs. Leana Perri, Mr. Sheldon Biamonte, and Ms Natalie Onyschuk. I would ask all the students to rise and accept the traditional welcome of this Assembly.

Thank you.

**The Speaker:** The hon. Member for Little Bow.

**Mr. McFarland:** Thank you, Mr. Speaker. First of all, may I thank you for hosting a very wonderful Remembrance Day service this morning.

I'm pleased to introduce to you and through you to all members of the Assembly Ms Hailey Cervo, who is seated in your gallery. Hailey is from Nobleford, Alberta, and was first-place winner of the Alberta-Northwest Territories command and dominion 2009 senior poem competition. We all had the great pleasure of hearing your touching poem today during the Legislature Remembrance Day service. Hailey is joined today by her dad, Lorne, and her grandma, Alice. Unfortunately, her mom, Crystal, had to work and stayed at home today. You may be interested to know that Hailey will be attending the national service in Ottawa on November 11. She along

with three other category winners in the seniors competition will be laying wreaths for the youth of Canada. She's going to meet the Governor General, and more significantly her poem is going to be in the national War Museum on display for a year. I would ask that Hailey, her dad, and her grandma please rise and receive the traditional warm welcome.

**The Speaker:** The hon. Member for Whitecourt-Ste. Anne.

**Mr. VanderBurg:** Thank you. On your behalf I'd like to introduce to you and through you Donna and Herb Kopp, who reside in Barrhead, Alberta. Herb is a fellow Rotarian and past president and treasurer of the Barrhead Rotary Club as well. They have brought with them today two exchange students: Camille Houbaille, Westlock Rotary student from Belgium, and Andrea Suárez Lárrega, Barrhead exchange student from Mexico. Their visit is made possible through the long-term exchange program which is sponsored by Rotary clubs throughout the world. The Barrhead and Westlock Rotary clubs are pleased to welcome Camille and Andrea for a one-year stay in our communities. They're seated in your gallery, Mr. Speaker, this afternoon. I'd ask them to please rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Minister of Justice and Attorney General.

**Ms Redford:** Thank you, Mr. Speaker. I'm pleased today to rise and introduce to you and through you to all members of this Assembly 13 speakers from this morning's Safe Communities Showcase. The showcase took place at the Radisson Hotel in Edmonton, where six presentations highlighted the successes of grassroots crime prevention initiatives and demonstrated the personal commitment and excellent work that is being done at the community level. The presenters joining us today are Sheila Bradley and Leslie Munson from addiction prevention in schools; Serri Lasuik and Paul Hawthorne from the youth diversion project; Deborah Hopkins, Doreen Roy, Nola Smith, and Randee Rurka from the positive parenting program; Cheryl Gardner, Dr. Tanya Boles, and Constable Clayton Okell from the Edmonton and Calgary police and crisis teams; Sharon Steinhauer from the Saddle Lake Boys and Girls Club; and Dr. Pamela Thompson from Pathways to Housing. I'd ask them all to please rise and receive the warm welcome of this Assembly and our thanks.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Rutherford.

**Mr. Horne:** Thank you very much, Mr. Speaker. I'm delighted to introduce to you and through you today to all members of the Assembly three students from my constituency of Edmonton-Rutherford: Miss Elizabeth Otto, Miss Rongjia Liu, and Miss Stephanie Bohaichuk. Elizabeth, Rongjia, and Stephanie are students of the Harry Ainlay and Louis St. Laurent schools in my constituency. This summer they participated in a University of Alberta program known as WISEST, designed to encourage excellence in scholarship and research, and all three had the opportunity to come up with some very impressive projects. I'd ask Elizabeth, Rongjia, Stephanie, and the people accompanying them today to please rise and receive the traditional warm welcome of our House.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Vandermeer:** Thank you, Mr. Speaker. I would like to introduce to you two people that are near and dear to me that have already been introduced to you: somewhat unusual, perhaps. They are a part of the Edmonton northeast Christian school group, and they are seated in the members' gallery. I would ask them to rise as I mention their names. The first is my favourite sister-in-law, Karen Vandermeer. The second is one of my favourite nephews, Carter Vandermeer. I would ask that you all give them the traditional warm welcome of the Assembly.

**The Speaker:** The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Well, thanks, Mr. Speaker. I'm frequently impressed with the constituents of Edmonton-Riverview whom I've introduced here, but none impresses me more than the person I'm going to introduce today. His name is Doug Pruden, and he's in the public gallery. I'd ask him to stand. Now, Doug is recognized most recently in the current *Guinness Book of World Records* for completing – get this – 1,025 one-arm push-ups on the back of the hand in one hour, a feat he completed on November 8, 2008. He's also been declared a grand master of push-ups in the U.K. and in Germany. He has a number of other records, and this is pretty humbling for all of us, I think, including 1,781 back-of-hand push-ups in one hour, 5,557 on-fist push-ups in over three hours, 1,000 – I can't believe this one – on-fist push-ups in just over 18 minutes, and 1,777 one-arm push-ups in an hour, to name only a few of his records. Congratulations on your stamina and dedication, Doug. Please give him a warm welcome.

1:40

### Members' Statements

**The Speaker:** The hon. Member for Calgary-Egmont.

#### 20th Anniversary of the Fall of the Berlin Wall

**Mr. Denis:** Thank you very much, Mr. Speaker. It's with great pleasure today that I rise as an Albertan of German descent to acknowledge the 20th anniversary of the fall of the Berlin Wall. Many of us can remember 20 years ago the dramatic television footage from Germany on November 9, 1989, and the subsequent celebration of freedom, but while this was the end of the Iron Curtain for most of us, it was a new beginning for Germany and for Europe. It symbolized the first step in German unification, which formally concluded October 3, 1990. Not only did this event reunite family, friends, and neighbours; it inspired people across the world.

While reading about the upcoming celebrations to commemorate this special anniversary, I learned of an international project called Mauerreise: the Journey of the Wall. Twenty symbolic wall bricks are being sent from Berlin, which started in May 2009. Their destination, Mr. Speaker? Places like Korea, Cyprus, Yemen, and other places where everyday life is characterized by division and a similar border experience. In these places the bricks will become a blank canvas for artists, intellectuals, and young people to tackle the wall phenomenon.

I applaud this international effort in raising awareness for the problems that come with divisions within a nation and look forward to seeing some of the end results. Mr. Speaker, I did see some of the end results this summer, when I had the fortune to visit Berlin. What are the results? Where there was once a wall, there is now a modern, cosmopolitan city. I also had the opportunity to visit East Berlin, where I saw a Stasi prison, which is now a historical site.

This anniversary serves as a reminder to me of how proud I am to be an Albertan and how fortunate we are to live in a country that is free and united, free of oppression of dictatorial regimes inspired by

fascism and communism. We must never take our freedom for granted.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Lesser Slave Lake.

#### Family Violence Prevention Month

**Ms Calahasen:** Thank you, Mr. Speaker. Family Violence Prevention Month started in 1986 as a local initiative in the little town of Hinton, where concerned residents launched a family violence education and prevention campaign. This grassroots effort inspired the Alberta Legislature to support family violence prevention as an ongoing provincial initiative, resulting in the inception of November as Family Violence Prevention Month. For most of us family is who we turn to for support, comfort, and protection, but for some Albertans family can be a source of violence, danger, and fear. Family violence hurts everyone. It touches every group in every community. It knows no socioeconomic, educational, or cultural boundaries.

Family Violence Prevention Month is an opportunity to remind Albertans that we all have a responsibility to help end the cycle of violence because, Mr. Speaker, victims of family violence are often silenced by fear or don't know where to turn for help. As caring friends, families, and neighbours we all must do our part to end the silence and stop the violence.

The government of Alberta is doing its part and continues to be a leader in addressing the issue of family violence. As an example, through the prevention of family violence and bullying initiative nine government ministries are working together to address family violence. We have strengthened legislation to protect victims, established domestic violence courts, increased funding to women's emergency shelters, supported sexual assault centres, and provided funding for community-based programs and victims' services. The government's safe communities initiative also supports several programs to prevent family violence and support its victims, including outreach pilot projects aimed at improving access to resources for aboriginal and immigrant communities.

Albertans who suspect that someone is dealing with family violence are encouraged to call the toll-free family violence info line at 310.1818. The 24-hour, seven-days-a-week info line offers help in more than 170 languages. Additional information and resources are also available on the website, [www.familyviolence.alberta.ca](http://www.familyviolence.alberta.ca).

All Albertans deserve to feel safe and live with respect and dignity in their communities. Thank you.

**The Speaker:** The hon. Member for Edmonton-Gold Bar.

#### Health Care Spending

**Mr. MacDonald:** Thank you, Mr. Speaker. This government is downsizing Alberta Hospital, limiting diagnostic testing, and forcing patients to wait longer and longer for surgeries. This government claims that health care spending is out of control and needs to be curtailed. Well, if anything is out of control and needs curbing, it's not the public health services Albertans depend on. It's this government's lavish spending on a few lucky, hand-picked friends inside our public health care system.

Jack Davis, for example, is receiving over \$22,000 a month from a lavish pension plan. He contributed not one penny to this plan, and he was credited with over 28 years of pensionable service even though he only worked for the health authority for a little over eight years. He's receiving a gold-plated pension based on over 20 years of work that he actually didn't do.

Here's another example of out-of-control spending in the health department. The total cost of paying out severance packages for the transition from nine health boards to the one cost taxpayers \$23 million; \$18 million of this was shared by a mere 30 senior executives. On top of that, there wasn't even a defined process for handing out these severance payments. In fact, Alberta Health Services overpaid to the tune of \$41,000.

On top of all this, the Auditor General's report shows that accounting practices and processes during the transition from nine boards to one were incredibly mismanaged. There was no oversight, no consistency. The 2008-09 budget hasn't even been approved by the minister or the Alberta Health Services Board in a year when the operating deficit is approaching \$400 million in Alberta Health Services.

The minister of health has admitted that he bears the ultimate responsibility for all of this. Therefore, it's long past time for this minister to do the right thing, the honourable thing: resign.

Thank you.

**The Speaker:** The hon. Member for Calgary-Lougheed.

### Stephen's Backpacks

**Mr. Rodney:** Thank you, Mr. Speaker. Recently I was honoured to bring greetings from our Premier and our Minister of Children and Youth Services at a thank-you luncheon for foster parents. I was inspired by all in attendance and suggested that someone write a book celebrating the incredible achievements. Immediately thereafter Nancy and Jim McPhee offered me a copy of their book, *Dream Out Loud*, the proceeds of which assist working families to get off the street.

The book raises awareness of early intervention and the amazing benefits it can bring to set up a child for success, and it draws attention to the great merits of children helping children despite their own challenges. It features the journey of Nancy and Jim's son Stephen. A few years ago, Mr. Speaker, when he was only five years old, Stephen proclaimed: mommy, I need to help them.

That's right, Mr. Speaker. A preschool boy who happens to have autism was pledging to help the homeless. Stephen decided he would make 'packbacks,' as he called them. He packed his newer toys and whatever else he thought appropriate, including mitts, hats, toys, candies, and socks. The McPhees made 15 backpacks, which they gave to those in need on a cold Christmas Eve. Shy little Stephen gave one to a 16-year-old boy with Down's syndrome.

In 2007 the community of Airdrie caught Stephen's passion, and the result was 265 backpacks. In 2008 the province got involved. Over 1,000 backpacks came of that, and they were distributed to homeless children all over the province. In August 2008 Stephen also raised 600 pairs of shoes for schoolchildren who didn't have any, and in 2009 he nearly doubled that. Stephen's Backpacks Society is now a national charity with warehouses, hundreds of volunteers, and corporate sponsors.

Mr. Speaker, when Stephen popped into the lives of the McPhees, they had no idea what direction their journey might take them, and they might never have dreamt that their little one would one day become a recipient of the Alberta Great Kids award and be named a Global 2008 Everyday Hero.

Stephen has taught us all to dream out loud, and anyone who wants to join him in these and other projects can buy a copy of *Dream Out Loud* at Alberta Safeway stores and visit [stephensbackpacks.com](http://stephensbackpacks.com).

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Edmonton-Rutherford.

### Pan-Canadian Paralympic School Week

**Mr. Horne:** Thank you very much, Mr. Speaker. Well, the torch has been lit, and the countdown is on to the Vancouver 2010 Winter Olympic and Paralympic Games. With only four months to go, excitement is growing in Canada and around the globe. I'm sure many of my colleagues here in the House remember a similar experience when Calgary hosted the '88 Winter Games.

The period leading up to the Vancouver 2010 Winter Olympic and Paralympic Games presents an unparalleled opportunity, Mr. Speaker, to engage students in an event that will be receiving world-wide attention. In my capacity as deputy chair of the Premier's Council on the Status of Persons with Disabilities I'm very pleased to stand today and recognize November 2 through 6, 2009, as Pan-Canadian Paralympic School Week. Paralympic School Week offers a special opportunity for students across the country to explore the values that Paralympians bring to their sport and to recognize and celebrate people with disabilities and their achievements.

All schools in Alberta and across Canada are invited to participate in this week-long program. Teachers can download a resource guide which contains suggestions for planning school-wide and classroom-based activities for a range of grades and subject areas. The guide helps teachers create Paralympic-style events right in their classroom, discusses the values of the Paralympic Games, and showcases people with a disability who are making a difference. Anyone interested in the Paralympic School Week materials or other Olympic education resources can visit the Department of Education website to find out more.

Mr. Speaker, this is an exciting time for Canada. I hope everyone, and particularly all members of this House, finds a way to support and participate in this extraordinary event.

Thank you.

1:50

### Oral Question Period

**The Speaker:** First Official Opposition main question. The hon. Leader of the Official Opposition.

### H1N1 Influenza Immunization

**Dr. Swann:** Thank you, Mr. Speaker. Yesterday the Alberta health minister took complete responsibility for Alberta's H1N1 pandemic plan. On Sunday clinics to administer the plan were closed, the only clinics in Canada that were shut down. On Monday it was the same. Today it is the same. Yesterday the federal Health minister indicated that the national plan identified high risk and health workers to get the vaccine first, a plan this minister did not follow. This cannot be regarded as anything but a complete failure. To the Premier. Yesterday the federal minister also said that we have sufficient vaccine for high-risk individuals. Will you now fire the health minister?

**Mr. Stelmach:** Mr. Speaker, you know, the only response we have from the opposition is: fire this person; fire that person. But this individual has changed position now three times. His first position was: let everyone in the province of Alberta be vaccinated. That was towards the end of last week. Then he changed: no, only high risk. Then back to everyone, and today I really don't know where he is: high risk or no high risk? All of a sudden he's now on the fourth position in about five days.

**Dr. Swann:** Mr. Speaker, Albertans know that is untrue.

Yesterday in this House the minister of health asserted that “every health care worker . . . who wanted to get vaccinated has been vaccinated.” I later spoke to health workers in Drayton Valley and the Royal Alexandra hospital here in Edmonton. They have not been vaccinated despite repeated attempts to do so. For misleading the House the Premier must fire this minister.

**Mr. Stelmach:** Mr. Speaker, again, misinformation, and the minister will clarify.

**Mr. Liepert:** Well, Mr. Speaker, there are two areas that have not had a pause in terms of vaccination. One is health care workers, so that is continuing, and at the same time we are also continuing our vaccinations wherever possible with our homeless community. Every Alberta health care worker will have the opportunity to be vaccinated and has the opportunity to be vaccinated right now because that is not part of the pause that’s currently under way.

**The Speaker:** The hon. leader.

**Dr. Swann:** Thank you, Mr. Speaker. Yesterday the minister of health also asserted that the pandemic tent at the Stollery children’s hospital was not planned as a pandemic tent at all. I have documents which I’ll table later that show this is not true. Again to the Premier: will you fire this minister for deliberately misleading the House?

**Mr. Stelmach:** Mr. Speaker, those are quite serious accusations, and it’ll be up to the minister of health to decide how he will proceed with those allegations. I think it’s getting beyond ridiculous. This is a serious situation in the province of Alberta and the country of Canada, and quite frankly we can play around with this issue in the House, back and forth, but it’s a serious matter. We want to get the correct information out to all Albertans, those at high risk, ensure that we provide the vaccination in a better model than we did last week, and we will do that. In the meantime let cooler heads prevail. This is the largest vaccination program of its kind in recent history at least, if not in the history of the country of Canada or at least in the province of Alberta.

**The Speaker:** Second Official Opposition main question. The hon. Leader of the Official Opposition.

### H1N1 Influenza Vaccine

**Dr. Swann:** Thank you, Mr. Speaker. The minister of health is responsible for what happens in his ministry. That’s one fact he cannot spin, he cannot hide from. The confusion, fear, and outrage seen now throughout this province are due to this minister’s conflicting statements, changing plans, and inability to admit his mistakes. Again to the Premier: what is your excuse for holding onto over 180,000 doses of vaccine for three days when you could have been delivering these to high-risk groups and health workers who need it?

**Mr. Stelmach:** Again, working on information, it’s just like today in the scrum. You know, one reporter on one side: 200,000 doses of vaccine missing. Another reporter from another station said: no, no; it’s only 20,000. You know, even the media are now working on: well, is it 200,000 or 20,000? Now we hear in here 180,000. It just goes back and forth, back and forth. If you want to win political points, go ahead, but I’m not going to do it on the backs of Albertans that are good civic citizens, who want to get the correct information. This minister is working with the medical officer of health and also

Alberta Health Services to get the vaccinations out there as quickly as possible to all of the high-risk groups.

**Dr. Swann:** Why did this minister of health for three days – three days – rejig a plan that finally now corresponds to what other provinces and the federal government had indicated was necessary? Surely it’s clear to this Premier that this minister has to go.

**Mr. Stelmach:** No, the minister does not have to go. In fact, the minister is working every hour of the day trying to ensure that there is a reasonable process in undertaking the largest vaccination program in the history of this province. Just the other week we heard, again, that the supply of doses from the one manufacturer in Montreal was interrupted. That is different information than we had the week prior. The medical officer of health had to make a change in the plan to deal with the change in the number of doses that were available to the province of Alberta.

**Dr. Swann:** Well, I’m going to try the Premier again on the first question. What is your excuse for holding on to thousands of doses of vaccine when there are thousands of vulnerable people and health workers that needed those vaccines in these last three days, Mr. Premier?

**Mr. Stelmach:** Mr. Speaker, I believe yesterday in the debate this came up, that in Alberta we have 400,000 people that were vaccinated, and in all of the country of Canada the amount is about 1.4 million. So of the 1.4 million in all of the country of Canada that were vaccinated, 400,000 of those are here in the province of Alberta. That’s pretty good.

**The Speaker:** Third Official Opposition main question. The hon. Leader of the Official Opposition.

### Health Care Restructuring

**Dr. Swann:** Thank you, Mr. Speaker. The minister of health is facing a test of the health care system he shattered 18 months ago, and frankly the public has given him a failing grade. Again to the Premier: under this minister of health’s incompetence the health authority’s deficit has skyrocketed to \$1.3 billion. What will it take for you to fire this minister?

**Mr. Stelmach:** Mr. Speaker, with respect to the budget in health services, notwithstanding the constant words – let’s put it very mildly – by the opposition in terms of cuts, cuts, cuts, the Alberta Health Services, the department of health have seen an increase in the last budget of \$550 million. They will see another increase in the budget that will be introduced here in the House in February. It may not be as large as the budgets that were increased 10 to 12 per cent in years previous, but there will be increases.

Secondly, we’re also looking at the help of all health care professionals to see how we can deliver those services much more effectively and efficiently. We’re looking to those that work in the system to give advice to the minister so that we can put a sustainable health program in place.

**Dr. Swann:** I don’t need to remind the Premier that this is the most vital service government provides to Albertans. It’s this minister of health’s incompetence and mismanagement that has led to confusion and mixed messages about 246 beds being cut from Alberta Hospital Edmonton. Will the Premier fire this minister?

**Mr. Stelmach:** Mr. Speaker, I believe he's referring to the Alberta Hospital. We have a situation in the province where many of the community organizations and those that represent mental health organizations have requested this government for years to move people out of institutions and put them in homelike settings in the community, which I think will greatly enhance the quality of life for the people that may be suffering from mental illness and other related issues. We will work with the Alberta Health Services Board. We've put an implementation team in place to make sure that this is done properly to improve the quality of life for those people that are living presently today in institutions.

2:00

**Dr. Swann:** In 1989 there were 13,300 acute beds in this province, and under this government the total of acute beds now has been cut to 6,800. The minister of health wants to reduce that further when we have the greatest need. Why, then, will this Premier not fire this minister for not protecting our health care system and for future generations?

**Mr. Stelmach:** Mr. Speaker, that just tells us how misinformed the Leader of the Opposition is. I can tell you that today, given how health services were delivered in the '80s, cardiac – you know, open-heart surgery – patients are up within hours after surgery. People that spent days in hospital for cataract surgery are now operated on in day surgery. They come into the hospital in the morning, and they're released later that afternoon. The health delivery has completely changed, and to say that we need the same number of beds we did in 1989 I think, quite frankly, shows us that the leader has a total misunderstanding of how quickly the health system has changed for the better.

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Edmonton-Calder.

#### H1N1 Influenza Immunization for Hockey Teams

**Mr. Mason:** Thank you very much, Mr. Speaker. Hockey players are not at high risk for swine flu, yet the Calgary Flames were given preferential treatment with government-supplied vaccine. So were their families and their coaches. This was no doubt a measure taken by the team's owners to protect their investment. Some pregnant women and young children now face a greater risk of very serious disease or even death because millionaire hockey players got a vaccine they did not urgently need. My question is to the Premier. Why is the Premier putting the investment of the Calgary Flames owners before the health and safety of pregnant women and young children?

**Mr. Stelmach:** Mr. Speaker, that issue is under investigation, and I applaud the member for bringing it forward. Once the investigation is completed by Alberta Health Services, we'll have further information to give. The one thing, though, is that if it has happened, somebody has broken the rules, and we want to find out who it is because it is deplorable.

**The Speaker:** The hon. member.

**Mr. Mason:** Thank you very much, Mr. Speaker. Albertans want to know why government vaccine was secretly distributed to NHL players by Alberta Health Services while high-risk groups like expectant mothers were left waiting in line. The Calgary Flames owners have an investment to protect and together have donated

more than \$44,000 to the Progressive Conservative Party since 2004. Why has the Premier permitted millionaire friends of this PC government to receive preferential treatment over vulnerable Albertans like pregnant women and children under five?

**Mr. Stelmach:** Mr. Speaker, again, this is an issue that was brought forward as of yesterday. Obviously, upon further investigation we'll have more information, but of course to drag this kind of nonsense, again, just adds to this whipsawing back and forth. Again, part of the group tends to just excite everybody at a time when we need calm. We need the time for our health care professionals to do the work that is absolutely necessary to provide the number of vaccinations that are necessary for Albertans.

**The Speaker:** The hon. member.

**Mr. Mason:** Thanks very much, Mr. Speaker. CNRL chairman and Calgary Flames owner Allan Markin has donated more than \$20,000 to the PCs since 2004, team governor Harley Hotchkiss has donated nearly \$15,000, chairman N. Murray Edwards has donated \$3,500, and owner Alvin Libin has donated \$2,000.

**Mr. Hancock:** Point of order, Mr. Speaker.

**Mr. Mason:** Why won't the Premier admit that he's allowed his friends to jump the queue for the government flu shot, leaving vulnerable Albertans unvaccinated and risking serious illness or even death?

**Mr. Stelmach:** Mr. Speaker, many of the people that the member mentioned have contributed greatly to the province of Alberta. Harley Hotchkiss is funding total brain injury research under Dr. Sam Weiss. Every one of those people that have been mentioned has significantly contributed to the wealth of this province. They may have given money to this party. I'm sure they gave it to that party. The member from Calgary is smiling because I know he's received some. I don't know if they did give to the NDs. Probably not, but it doesn't really matter. The thing is that all those names that have been mentioned in the House publicly have contributed tremendously to the province of Alberta.

**The Speaker:** The hon. Member for Edmonton-Calder, followed by the hon. Member for Edmonton-Riverview.

#### Safe Communities Initiative

**Mr. Elniski:** Thank you, Mr. Speaker. This week we are recognizing the people working to keep our communities and families safe. As part of the second anniversary of Alberta's safe communities initiative I was pleased this morning to attend the Safe Communities Showcase. My first question is for the Minister of Justice and Attorney General. Could the minister please explain how community programs are contributing to overall crime prevention and reduction in Alberta?

**The Speaker:** The hon. minister.

**Ms Redford:** Well, thank you, Mr. Speaker. I was pleased today to have the opportunity to meet with a number of community organizations from across this province both in Edmonton and via the web to talk about the work that they have undertaken through the safe communities innovation fund. There were representatives from SuperKids in Brooks, mentor programming from the community of

Drayton Valley, and members of the Calgary and Edmonton police services from the police and crisis teams. The one thing that they all had in common is that they understood the importance of providing support, direction, and mentorship to young people who may be at risk of making bad choices in their life. There are a number of opportunities in a child's life where if they do have the right direction and information, they should be able to make the right choices with our help.

**The Speaker:** The hon. member.

**Mr. Elniski:** Thank you, Mr. Speaker. My next question is for the same minister. Safe communities supports a variety of projects that address community action and diversion. What kind of progress are we seeing in these areas?

**The Speaker:** The hon. minister.

**Ms Redford:** Thank you, Mr. Speaker. We need to strike a balance between enforcement, intervention, and prevention, and the emphasis on the safe communities innovation fund is around prevention. The youth diversion pilot project based out of Edmonton focuses on youth with mental illness and diverts them from the criminal justice system to appropriate health resources, and the Saddle Lake Boys and Girls Club is providing holistic and culturally appropriate programs and restorative justice programs in the community that it represents. Crime prevention is extremely effective at a grassroots level. We all know that. It's important for us to highlight successes and challenges that community agencies have to ensure that we can think through how we deliver our programming in the future.

**The Speaker:** The hon. member.

**Mr. Elniski:** Thank you. My final question is again for the same minister. What can we expect as safe communities moves forward?

**The Speaker:** The hon. minister.

**Ms Redford:** Well, thank you, Mr. Speaker. We're now into the second year of our safe communities innovation fund and the safe communities initiative overall. We've had some tremendous success with respect to legislative reform, the gang prevention summit co-hosted by the Solicitor General and I earlier this year. We've also had tremendous support from the community and feedback from the community with respect to how we as government need to support the work that they're doing and how government departments need to work together, and we will continue to do that.

**The Speaker:** The hon. Member for Edmonton-Riverview, followed by the hon. Member for Lacombe-Ponoka.

#### Health and Wellness Executive Search Contract

**Dr. Taft:** Thanks, Mr. Speaker. A careful digging into government books shows that a numbered company was paid \$135,000 by the Department of Health and Wellness last year. If you dig through a second layer of numbered companies, you'll find that the \$135,000 went to a company 50 per cent owned by the election campaign manager for the Minister of Health and Wellness. To the Minister of Health and Wellness: can he tell the people of Alberta why his department paid \$135,000 to 1024226 Alberta Ltd., a company half owned by his campaign manager?

**Mr. Liepert:** I can only assume, Mr. Speaker, that he's referring to the search that took place for the board members for Alberta Health Services, which was an open, tendered competition. My recollection is that the winning search firm that was selected was a search firm out of Calgary called Boyden. One of the partners in that firm is a gentleman named Brent Shervey, who was my campaign manager. It was an open competition. If the member would like to have sent over the documentation that we have, I'd be happy to supply it to him.

**The Speaker:** The hon. member.

**Dr. Taft:** Thanks, Mr. Speaker. I'll take the minister up on the offer, so ship me the documents.

Again to the same minister: what was his personal involvement in the decision to have the Department of Health and Wellness hire his campaign manager's numbered company? Is it just coincidence that his campaign manager's company was hired, or was there political influence?

**Mr. Liepert:** Well, I can say that the competition was conducted by the HR department of Alberta Health and Wellness. At the time they did the search, they asked me about the fact that this particular company had been the successful bidder and, I believe, the lowest bidder, Mr. Speaker, but I'll clarify that because I was not involved in the actual selection process. I was informed. I don't see why any company in this province who does business should be precluded from doing business with this government if they meet all of the guidelines in the RFP.\*

2:10

**Dr. Taft:** In May 2009 the Minister of Health and Wellness told a legislative committee that he wasn't going to have a board of health care professionals running Alberta Health Services. Well, no kidding. The only health professional on the board is a doctor from Toronto. Again to the same minister: did he give direction to his campaign manager to avoid recruiting to the board of Alberta Health Services any health care professionals from Alberta, or is it just coincidence that it turned out that way?

**Mr. Liepert:** I can't recall the exact documentation that was provided as part of the search, but it was done by our HR department, and I'd be more than happy to give whatever is not privileged information to the member, and then he can go on his witch hunt, Mr. Speaker.

**The Speaker:** The hon. Member for Lacombe-Ponoka, followed by the hon. Member for Edmonton-Centre.

#### Cattle Price Insurance Program

**Mr. Prins:** Well, thank you, Mr. Speaker. Our livestock industry has experienced some very challenging times over the last several years, and with the current economic downturn and our strong Canadian dollar the gap between the risk and reward in our cattle markets has become even greater. My question is for the Minister of Agriculture and Rural Development. With economic challenges like a global recession, a fluctuating Canadian dollar, market access issues, and high feed costs what has the government done to lessen the impact on our livestock producers?

**The Speaker:** The hon. minister.

\*See page 1731, right column, paragraph 7



**Mr. Groeneveld:** Well, thank you, Mr. Speaker. Our government certainly recognizes that the cattle market can experience some significant price swings, and the need for livestock insurance certainly was identified by the Alberta livestock and meat strategy. In response, we implemented the cattle price insurance program, the first one in Canada, by the way. CPIP, as it is called, is available through Agriculture Financial Services Corp. CPIP provides the Alberta feed industry with the ability to manage risks such as the exchange rate, which is a real fluctuation barrier right now, so this certainly contributes to a more sustainable industry.

**The Speaker:** The hon. member.

**Mr. Prins:** Well, thank you, Mr. Speaker. My next question. I'm pleased that our government has found a way to assist the cattle industry during these challenging times, and I'm proud to hear that it's a made-in-Alberta solution. To the same minister: can you tell us briefly how the cattle price insurance program actually works?

**The Speaker:** The hon. minister.

**Mr. Groeneveld:** Well, thank you, Mr. Speaker. I certainly can because we worked with the industry to develop this program, so we know how CPIP meets their needs. It's market driven, and it's flexible. CPIP provides producers with a guaranteed minimum price where the guaranteed price and the associated premium reflect the current market situation. Producers can customize their coverage levels and policy length to suit their specific needs. The bottom line is that with government funding, administration costs, and producers funding the premium, CPIP is a valuable investment in an operator's long-term success.

**The Speaker:** The hon. member.

**Mr. Prins:** Thank you, Mr. Speaker. Again to the same minister: what has the industry's reaction been to the cattle price insurance program?

**Mr. Groeneveld:** Well, Mr. Speaker, I'm very pleased to report that we're off to a great start with CPIP, and the uptake by the industry has been very positive. AFSC was flooded with inquiries when the program was announced, and many eligible participants are taking advantage of it today. More importantly, AFSC is monitoring how well the program is working and gathering feedback from industry to aid in developing programs that we can meet further on for better tools in our industry.

**The Speaker:** The hon. Member for Edmonton-Centre, followed by the hon. Member for Battle River-Wainwright.

#### Alternative Energy Investment

**Ms Blakeman:** Thank you very much, Mr. Speaker. Yesterday, in defending his lack of support for renewable energy in Alberta, the Minister of Environment stated, "This government believes that it's not the role of the government to invest in energy." Well, I'd say that spending \$2 billion on carbon capture and storage, \$200 million on technologies to improve oil and gas production, and \$30 million to clean up abandoned wells, drilling credits, and new well incentives all add up to a government investing in energy. My questions are to the Minister of Environment. Why is this government willing to invest only in fossil fuels and not in the wind and solar energy sector?

**Mr. Renner:** Well, Mr. Speaker, the member is referring to an exchange that we had yesterday when she talked about the fact that there was an investment that was ongoing in Ontario that was encouraging the development of renewable energy in Ontario. The difference is that in Ontario all of the power production is owned by a Crown corporation, Ontario Hydro. The same situation doesn't exist in this province. In this province the power production is owned by individual, privately owned companies. Those same privately owned companies that we have operating in Alberta have had significant investment. In fact, the CCS dollars went to an electric generator here in Alberta.

**The Speaker:** The hon. member.

**Ms Blakeman:** Thank you very much, Mr. Speaker. To the same minister. Well, Alberta enjoys more sunny and windy days than almost anywhere, yet Ontario will be the wind and solar power capital of Canada and will have created 50,000 green technology jobs in doing so, not even to mention what they're doing in Texas. Why is the minister letting our jobs and investment in our province leave the province for Ontario and Texas?

**Mr. Renner:** Mr. Speaker, the process that's being used in Ontario is a process that has been broached with the Alberta government. Frankly, as Minister of Environment I'm not entirely opposed to it. It's something that's called feed-in tariffs. Essentially what it means is that all of the consumers of power in a jurisdiction would pay an environmental surcharge on their bill, and then that surcharge, that lump of dollars that is an environmental tax, for lack of a better term, is then reallocated to the producers of environmentally sustainable power. It has some merit, but it's something that I'm not sure the government would arbitrarily impose upon Albertans without first asking them if they are in favour of it.

**The Speaker:** The hon. member.

**Ms Blakeman:** Thank you very much, Mr. Speaker. Back to the same minister. This government is willing to compete fiercely with Ontario and with some other places in the States for everything else. So why – why? – is this government willing to let Ontario and Texas walk away with our jobs and walk away with investments in green energy technology?

**Mr. Renner:** Mr. Speaker, I remind the member once again that in Ontario the electricity-producing corporation is owned by the government. It's a Crown corporation. They're moving money from one pot to another. It's not the government that is doing it; it's their Crown corporation. We don't have that same situation in Alberta, and frankly I don't think we want that situation in Alberta.

**The Speaker:** The hon. Member for Battle River-Wainwright, followed by the hon. Member for Lethbridge-East.

#### Trade Mission to Asia

**Mr. Griffiths:** Thank you, Mr. Speaker. For two years I had the distinct pleasure of serving as parliamentary assistant to the minister of agriculture. I was always very proud of the minister for his resolute dedication to fiscal restraint. He seemed to manage every taxpayers' dollar as though it was an investment for his grandchildren. I have a question for the minister. He announced last week that he's travelling to Asia for a trade mission. Given the economic circumstances the province is enduring right now and the great need

for fiscal restraint, I'm wondering if he can explain why he now needs a trade mission to Asia.

**Mr. Groeneveld:** Well, Mr. Speaker, the government of Alberta has a plan for a strong economic recovery, but it's important that we continue to keep Albertans working by ensuring that our industries are competitive and are attracting investments. Access to the Asian market holds a tremendous potential for Alberta's agriculture and food industry and particularly for the beef industry. On a trip in 2007 I gained a better understanding of what these markets and their consumers wanted for their livestock and for their meat products. Since then the industry has been working to better meet these demands, and I will be providing an update on our progress in identifying more ways to supply these markets.

**The Speaker:** The hon. member.

**Mr. Griffiths:** Thank you, Mr. Speaker. The minister mentioned how important these markets are, but right to the south of us we have a market of 250 million people. I'm wondering why we want to focus our attention on markets that are halfway around the world and what sort of benefits they are supposed to provide.

**Mr. Groeneveld:** Well, Mr. Speaker, Asia is a growing market for our export opportunities. People in Asia, as we all know, are now eating more protein, and it's a growing market for the types of products produced here, like our famous Alberta beef. There are also opportunities for industry to tailor products to suit the specific consumer tastes in these regions. Alberta producers depend on exporting, and we have the products here that consumers in Asia want. They're not only interested in our beef. They're interested in pork, canola, honey, and barley; you name it.

2:20

**The Speaker:** The hon. member.

**Mr. Griffiths:** Thank you, Mr. Speaker. This won't be the first time that the minister has travelled to Asia, and I know he believes we are going to get some benefits. Are we building on benefits that came from other trade missions that he went over to Asia for? Did we accomplish some goals already that we're going to build on?

**Ms Blakeman:** Nice question, but it's still on the website.

**Mr. Groeneveld:** It's a good question, whether it's on the website or not, Mr. Speaker.

When I visited Asia in 2007, they told me that age verification and traceability are the minimum requirements for market access. To help meet these requirements, we created the Alberta livestock and meat strategy and, indeed, the Alberta Livestock and Meat Agency. Market access is a top priority for ALMA. They are working with Alberta industry, government, and key foreign members to advance access for our Alberta products. As a matter of fact, one of our board members joined federal Minister Ritz on a mission to Hong Kong in January, where an agreement in principle for incremental market access was secured. It was a direct result of our being there the previous year.

**The Speaker:** The hon. Member for Lethbridge-East, followed by the hon. Member for Edmonton-Strathcona.

### H1N1 Preparedness in Seniors' Living Facilities

**Ms Pastoor:** Thanks, Mr. Speaker. I asked the Minister of Health and Wellness about the pandemic planning for seniors' living facilities; however, he only talked about the vaccines and not the care that the residents may require. In Alberta Health Services' pandemic plan it states that "all continuing care facilities . . . are expected to be self-sufficient." My question to the Minister of Health and Wellness would be: could he explain exactly what self-sufficient means?

**Mr. Liepert:** Well, Mr. Speaker, I am not part of the delivery system of health care. I will have to ensure that Alberta Health Services has adequate plans in place; I'm confident they do. I'm not exactly certain what self-sufficient means – I can only make some assumptions – but I do know that as part of that pandemic planning our seniors' care has been considered to the fullest.

**The Speaker:** The hon. member.

**Ms Pastoor:** Thank you, Mr. Speaker. This minister speaks about the right care in the right place. Would it then not make sense to treat residents in the facility that is their home rather than having to use an ambulance to shuttle them back and forth to ERs if there is H1N1 influenza in that facility? I think this sounds like policy to me, not delivery.

**Mr. Liepert:** Well, no, it's not, Mr. Speaker, because we don't operate the long-term care centres in this province. Any pandemic planning would have been developed with those operators and would have been done with the ultimate care of the patient in mind. I'm not sure what the member is referring to relative to transferring back and forth by ambulance. I'm assuming that if the facility cannot handle or if the patient gets to a state where they need to go to an acute-care setting, that's the arrangement that's in place.

**Ms Pastoor:** Well, deregulation rears its head again. Housing care. I'm speaking of care. Care comes under health. Will the minister commit to monitoring and tracking the number of expensive ambulance calls to continuing care facilities as a way of measuring how these facilities are coping with residents who require assessments?

**Mr. Liepert:** Sure. I'd be happy to get a report for the member from Alberta Health Services.

**Ms Pastoor:** Thank you.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Edmonton-Ellerslie.

### H1N1 Influenza Immunization for Aboriginal Albertans

**Ms Notley:** Thank you, Mr. Speaker. Yesterday the government was taking credit for the federal government's success in ensuring that the First Nations were the first to receive the H1N1 vaccination. Unfortunately, when it comes to what the province is actually responsible for, they fall short. While the Calgary Flames were jumping the queue, we're told that this government only started meeting with Métis settlements' reps last Thursday. To the Minister of Aboriginal Relations: why didn't this government take the lead and ensure that all remote Métis settlements got the vaccine first?

**The Speaker:** The hon. Minister of Aboriginal Relations.

**Mr. Zwozdesky:** Thank you, Mr. Speaker. The Public Health Agency of Canada and, in fact, Health Canada are responsible for delivering the vaccines to First Nations throughout the dominion, including Alberta. However, our role in that respect was to help ensure that the vaccines actually got there, and I personally phoned, oh, about eight reserves from down south all the way up north to make sure that that had happened, and it did occur. In fact, this morning at a special strategies meeting of western Canadian officials Grand Chief Charles Weaselhead complimented both the government of Alberta and the government of Canada for how carefully that was done and indicated to us that it was one of the most successful rollouts in their history.

I'll comment on the Métis later.

**Ms Notley:** Well, Mr. Speaker, the people of the Paddle Prairie settlement are hours away from the care they'll need should they fall ill with H1N1. That's why Health Canada, as you identified, said that they and others in isolated communities should have been first on the list to get the vaccination. In this government's first plan – I don't know how many we've got at this point – they were not going to get their shots until week 2 or week 3, and now that may be delayed even further. To the same minister: why wasn't Paddle Prairie the highest priority last week, as they should have been?

**Mr. Zwozdesky:** Mr. Speaker, we have eight Métis settlements here. Two of them were prioritized for early delivery. They were in fact provided the vaccination on October 26, day 1. We phoned there as well to ensure that the vaccines had arrived. They had. As part of that vaccination plan a number of others were scheduled. For example, Paddle Prairie, that's being referred to, was scheduled for November 6. I haven't seen the details of the new plan, but I know that as soon as the vaccination supply is increased again by the provider, they will be among the priority groups that will be serviced.

**Ms Notley:** Well, Mr. Speaker, 400,000 people vaccinated, and they don't have it yet. It's a tale of two governments. Under the feds all 47 First Nation bands in Alberta have received their vaccine. A hundred per cent. A success. Under the provincial government's authority only 3 of 8 Métis settlements have received theirs, 38 per cent. A failing grade. We've known for the past six months that remote communities were among those at highest risk. How could the Alberta government fail to ensure that remote communities received the vaccine the moment it became available? If the feds can do it, why couldn't you?

**Mr. Zwozdesky:** Mr. Speaker, the federal government's jurisdiction with respect to the reserves in Alberta covers approximately 100,000 people. Our responsibility covers an additional 3.2 million, 3.3 million. There simply was not enough vaccine to go around.

I have spoken with the Minister of Health and Wellness, and he has assured me that Métis settlements, including the five remaining ones, and numerous other category groups are the top priority. They will be provided the vaccine as soon as possible. I remain hopeful that the November 6 plan for that particular Métis settlement as well as the ones that are coming on stream next week will be adhered to.

**The Speaker:** The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Calgary-Buffalo.

#### High School Completion for High-risk Students

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. On October 20 I attended an information session put on by Terra, a centre for

pregnant teens, helping teenage mothers to complete high school. I must say that they're doing a wonderful job. My questions are to the Minister of Education. What steps is your ministry taking to help these young women complete high school?

**The Speaker:** The hon. minister.

**Mr. Hancock:** Thank you, Mr. Speaker. There are a number of programs across the province, one of which includes the Terra centre, for example, that work in partnership with school boards. In this case Terra works in partnership with the Edmonton public school board to support teen moms in achieving their academic success, getting their high school completion. The partnership between Terra and Braemar school helps the students achieve their potential both as students and as parents. Many of the Alberta school jurisdictions have developed programs that support pregnant and parenting teens to complete their education. It's a very, very vital part of making sure that every Alberta youth, regardless of their circumstance, has the opportunity to achieve their potential.

**The Speaker:** The hon. member.

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. To the same minister: given that vulnerable students are the most at risk of not completing high school, what initiatives is your ministry taking to help other high-risk and vulnerable students to obtain their high school diploma?

**Mr. Hancock:** Well, Mr. Speaker, there are many reasons why students don't finish high school. There's not one single answer to that. In the spring of 2009 we did launch the high school completion strategic framework, which outlines strategies, including personalized learning, successful transitions, collaborative partnerships, positive connections, and tracking progress. We have the Alberta mentoring partnership, we have a province-wide wraparound research project, we have a provincial protocol framework for success in school for children and youth in care jointly with Children and Youth Services, we have the children's mental health capacity building project jointly with Health, funded out of the former Mental Health Board, and the aboriginal parent and community engagement. There are a number of projects across the province. I think it's fair to say that one of our highest priorities is making sure that every child can get an education.

2:30

**The Speaker:** The hon. member.

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. My final supplemental to the same minister. In recent years the province's high school completion rate has flatlined. What is the minister doing to improve the rate and ensure that the province is graduating students that are capable and ready to contribute to the workforce or to the postsecondary institutions?

**The Speaker:** The hon. minister.

**Mr. Hancock:** Well, thank you, Mr. Speaker. Actually, from the years 2004 to 2007 the five-year high school completion rate has increased steadily and now remains at a constant 79 per cent, so we actually over the five-year term have had good growth in that. It's still not good enough. A lot more needs to be done.

As I said, we launched the high school completion framework at the beginning of this year. Initiatives associated with the framework

were either at the research stage, the pilot stage, or the first years of development. Currently departmental staff are meeting with school jurisdictions to help them understand the high school completion framework and get their advice on best practices around the province that can be shared among jurisdictions.

### Grizzly Bear Protection

**Mr. Hehr:** Mr. Speaker, last night many members of this honourable House had a presentation from Carl Morrison with the Sierra Club and Dr. Steve Herrero, an expert on grizzly bear conservation, on the need to list the grizzly as a threatened species now. We heard the findings from the best grizzly conservation science in the world. Despite some government members' questioning of this science, I found it very informative. To the Minister of Sustainable Resource Development. You passed the grizzly bear recovery plan. What do you think of this plan?

**The Speaker:** Opinions are not part of the purview of the question period. If the minister wants to comment, go ahead.

**Dr. Morton:** Mr. Speaker, we've barely heard from the hon. Member for Calgary-Buffalo this session, so I'm happy to answer his question. Dr. Stephen Herrero is a distinguished alumnus, professor emeritus at the University of Calgary, somebody I've known for over 25 years, so I'm happy to comment on their remarks last night.

We appreciate their concern with the grizzly bears, and we share them. This government has taken more steps than any other jurisdiction in western North America to do that. We've had a five-year DNA study. We've suspended the grizzly hunt. That study is being reviewed by peer review right now. We have our BearSmart program. I challenge the hon. member to find another jurisdiction that's put that much resource into grizzly bears.\*

**Mr. Hehr:** Well, I'm glad the minister feels that the grizzly bear recovery plan is a good plan, but I'd appreciate knowing why he hasn't put any long-term funding in place to pay for this plan.

**Dr. Morton:** Mr. Speaker, the hon. member asked me last spring to detail funding on grizzly bears. I sent him a letter in response to his April 9 questions in the House. I'll photocopy the letter and send it back to him again. The Grizzly Bear Recovery Team recommended three years ago that we spend \$2.8 million on grizzly bears. We're close to \$4 million now.

**The Speaker:** The hon. member.

**Mr. Hehr:** Well, thank you, Mr. Speaker. You should maybe discuss with these experts, who do not believe that the grizzly bear recovery program is now being funded. Why do they continue to say that you're not funding this program, then?

**The Speaker:** Well, again, how does the minister respond to what somebody else is saying?

If you want to go ahead, try it.

**Dr. Morton:** Mr. Speaker, let's put the bare facts on the table, okay? Not only is our DNA study cutting-edge science, but it's currently being peer reviewed, scientifically reviewed by some of the participants in the most successful grizzly bear recovery program, which was the one down in Yellowstone park. We have some of the top grizzly experts in North America on the job, working for the government of Alberta and working to protect our grizzlies.

**The Speaker:** The hon. Member for Drayton Valley-Calmar, followed by the hon. Member for Edmonton-Gold Bar.

### Health Care Registration Services

**Mrs. McQueen:** Well, thank you, Mr. Speaker. Six months ago the government changed the way Albertans register for health care. They can now do it through a registry office. My questions are to the Minister of Service Alberta. Has your department maintained proper service levels for Albertans needing to apply for or update their health care registration?

**The Speaker:** The hon. minister.

**Mrs. Klimchuk:** Thank you, Mr. Speaker. In fact, the registration process is the same, but Albertans now have more locations to go get their health care cards. Previously there were only two locations, in Calgary and Edmonton. Now we have 23 different registry offices across Alberta handling this. This is, indeed, a very successful pilot project.

**The Speaker:** The hon. member.

**Mrs. McQueen:** Thank you, Mr. Speaker, and thank you, Minister. To the same minister: with registry agencies being privately owned and operated, Minister, how are you assuming that Albertans' personal health care information is being protected?

**The Speaker:** The hon. minister.

**Mrs. Klimchuk:** Thank you, Mr. Speaker. Registry agents providing a service have no access to Albertans' personal health information. The transactions they do are similar to the other ones that they do with respect to all of the drivers' licences and things like that. This is one of the requirements under the Health Information Act, so the registry agents do not have access to that information. We also work with Alberta Health and Wellness, and we conduct audits on a regular basis to ensure the information is being handled properly.

**The Speaker:** The hon. member.

**Mrs. McQueen:** Thank you, Mr. Speaker. Finally to the same minister: what are your plans for expanding the pilot program so that all our registry agents across the province can offer health care registration services?

**The Speaker:** The hon. minister.

**Mrs. Klimchuk:** Thank you, Mr. Speaker. The current pilot project runs until March 2010. At that point we're going to be evaluating and deciding what are next steps. But I can tell you right now that it's going very well. So far we've had 21,000 Albertans come and register for health care through a registry agent. This is just one of the creative and innovative ways that we can provide better service to Albertans.

**The Speaker:** The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Calgary-Fort.

### Health Board Senior Executive Contracts

**Mr. MacDonald:** Thank you, Mr. Speaker. When the minister of health was asked about who was responsible for signing off on senior executive contracts in Alberta Health Services and in the regional health authorities, the minister indicated that the final

\*See page 1731, right column, paragraph 2

signature is his. To the minister of health: why under your watch did Jack Davis, leaving Calgary health region, get a \$2.3 million severance and a \$22,409-a-month pension for life?

**Mr. Liepert:** Mr. Speaker, this member is going to have to show me where I said in this House that I was responsible for signing off on contracts for the former regional health authorities. I never said that. I would ask him to retract that statement unless he can show that I said that in this House.

What I have said in this House is that one of the reasons we have moved to one health board that's accountable to this government is because we did not have the ability to approve those contracts that were signed by the previous regional health authorities.

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you, Mr. Speaker. For the hon. minister of health's information at the Public Accounts Committee meeting on October 26 the minister indicated: "The final signature is mine."

**Mr. Liepert:** Where?

**Mr. MacDonald:** In Public Accounts. Look at the *Hansard*.

**The Speaker:** Okay. Through me, continue with your question.

**Mr. MacDonald:** Yes.

My second question: why under your watch, hon. minister, did Paddy Meade receive a quarter of a million dollar bonus as part of her severance after only nine months of work?

**Mr. Liepert:** That's a different question, Mr. Speaker, and I'm happy to answer that one. He knows the answer because he asked the chairman of the Alberta Health Services Board at Public Accounts, or one of his colleagues asked it. But I'll repeat the answer that the chairman of the board said. He said that there were actually three phases of this situation. One was the previous regions, one was the interim board, and the third phase is the permanent board. During that interim phase the compensation package was much more tied to what the old regions were involved in. That has been changed – there now no longer are contracts like the member is alluding to – and this minister does have final say on those contracts.

**Mr. MacDonald:** Again, Mr. Speaker, to the same minister: why under your watch will one terminated chief executive officer remain under the lavish pension program for another two years, costing the taxpayers an additional \$290,000?

**Mr. Liepert:** Well, Mr. Speaker, it's very simple. There were several of the former CEOs who the new board determined they did not want to lose from the organization. I would suggest that we should be looking to retain the best people we can. Those two individuals that I can think of – there might be a couple more – had contracts with the previous regional health authorities. In order to keep them, we would have had to pay out the contract and rehire them. Does that make any sense? No, it does not.

**The Speaker:** The hon. Member for Calgary-Fort.

#### Bow Habitat Station

**Mr. Cao:** Well, thank you, Mr. Speaker. The Alberta government has a mandate to educate the future generation on environmental

stewardship. Phase 1 of the Bow Habitat Station was recently completed, and I'm excited about it for two reasons: one, it is in my great constituency of Calgary-Fort, and because I expect it to foster education on the relationship between human activities and the health of aquatic systems and fish populations. My question is to the hon. Minister of Sustainable Resource Development. What role will the Bow Habitat Station in Calgary play in providing educational services?

2:40

**The Speaker:** The hon. minister.

**Dr. Morton:** Thank you, Mr. Speaker, and I thank the hon. Member for Calgary-Fort for taking us to such a happy conclusion today. Yes, it was a fun and happy day last month when we had the grand opening of the Bow Habitat Station. We wouldn't have had that without the good efforts of the hon. member.

The most important renewable resource of this province is our children. That's what the Bow Habitat Station is about: education on stewardship and conservation of Alberta's rivers, lakes, and water. There's a broad array of hands-on exhibits, the big show, four galleries, some aquaria with Alberta fish, some hands-on learning things. When it comes to water, the kids are learning that what's good for fish is good for us.

**The Speaker:** The hon. member.

**Mr. Cao:** Thank you, Mr. Speaker. My first supplemental question is to the same minister. In light of the recent upgrades what is the minister's long-term plan for the Bow Habitat Station?

**Dr. Morton:** Mr. Speaker, the primary focus at the moment is a teaching facility for the schoolchildren of Alberta. Currently the programs for grades 1 through 5 align with the Alberta Education curriculum. These include the exhibits, the interpretive wetland, and the Livingston Fish Hatchery. In the coming three years programs will be expanded to include the junior high curriculum as well. Currently we are opening it simply as an educational facility, but by next year it will be open to the general public and also be a tourist facility.

**The Speaker:** The hon. member.

**Mr. Cao:** Thank you, Mr. Speaker. My last supplemental question is to the same hon. minister. If a habitat station concept like that is so great, does your ministry intend to build more educational habitat stations across Alberta?

**The Speaker:** The hon. minister.

**Dr. Morton:** Thank you, Mr. Speaker. Let me just say that the Bow Habitat Station is unique. It has arisen out of community efforts. The Sam Livingston Fish Hatchery has been there for 30 years and provided the vision and resources. There's been a wonderful volunteer society. The Bow Habitat Station Volunteer Society was formed in 1992. I'll take this opportunity to acknowledge the important work of its president, Mr. Lloyd Horn. In 1995 the volunteer society came up with the idea of expanding the educational outreach component of the hatchery. This is the origin and the genesis of this wonderful facility for the conservation and stewardship education.

Again, Mr. Speaker, when it comes to water, W.C. Fields was wrong. If it's good for fish, it's good for us.

**The Speaker:** Hon. members, that concludes question period for today. There were 96 questions and responses. In a few seconds from now I'll call on the remaining member to participate in Members' Statements.

### Members' Statements

(continued)

#### Government Accountability

**Mr. Hinman:** Mr. Speaker, during the Calgary-Glenmore by-election I met with thousands of great people in my community, and I have listened. I have heard their concerns about Albertans' economic situation and the lack of fiscal accountability from the Premier and his government. I have heard their concerns about government accountability and their muzzling of MLAs. I have heard their concerns that health care decisions should be returned to local boards in our communities rather than big government superboards. Indeed, I have heard from people all across this province, and they feel that their concerns are not being addressed by this government. I have listened, and it is their concerns that I bring to Edmonton. Their concerns are my priority.

Instead of listening to everyday Albertans, this government, to quote the President of the Treasury Board, continues with the priorities set by the Premier, priorities that have not been in the best interest of Albertans. Bill 50, the Electric Statutes Amendment Act, 2009, is but one example.

Most recently the government's mishandling of the H1N1 vaccine program has become a personal crisis for those at highest risk. Mr. Speaker, Albertans want to know why this government has failed to prioritize and distribute the H1N1 vaccine to communities and individuals most at risk, and still we wait for them to act. Albertans no longer trust this government as it continues to centralize power and decision-making instead of empowering local health authorities with the responsibility of distributing the H1N1 vaccine to those most at risk. This government has impeded an efficient and effective local vaccination plan, and the H1N1 vaccine program is only the most recent example of this government's failure to properly prioritize.

Mr. Speaker, Albertans want to know when their priorities will become the priority of the Premier.

#### Introduction of Bills

**The Speaker:** The hon. Minister of Justice and Attorney General.

##### Bill 51

#### Miscellaneous Statutes Amendment Act, 2009

**Ms Redford:** Thank you, Mr. Speaker. It is my pleasure to rise today to request leave to introduce Bill 51, the Miscellaneous Statutes Amendment Act, 2009.

Mr. Speaker, Bill 51 contains a number of provisions which are noncontentious. I'll briefly list those acts which are affected by this particular bill: the Alberta Evidence Act, the Fatality Inquiries Act, the Child, Youth and Family Enhancement Act, the Companies Act, the Family Law Act, the Government Organization Act, and the School Act.

Thank you.

[Motion carried; Bill 51 read a first time]

#### Tabling Returns and Reports

**The Speaker:** The hon. Minister of Health and Wellness.

**Mr. Liepert:** Mr. Speaker, thank you. I just wanted to table five copies of a statement on the Liberal website by the Leader of the Opposition urging all Albertans to get your shots as soon as possible: "I'll be getting my shot soon. I encourage you to do the same."

**The Speaker:** The hon. Member for Edmonton-Rutherford.

**Mr. Horne:** Thank you, Mr. Speaker. On behalf of the hon. the Premier and in my capacity as deputy chair of the Premier's Council on the Status of Persons with Disabilities I'm pleased to table the appropriate number of copies of the council's 2008-2009 annual report. As you know, the council works to improve the lives of Albertans by advising, reporting, and making recommendations to government and other stakeholders on issues of interest to Albertans with disabilities.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Whitecourt-Ste. Anne.

**Mr. VanderBurg:** Thank you, Mr. Speaker. I would like to table the appropriate number of copies of the 2008-2009 annual report for the Seniors Advisory Council for Alberta. The council is a vital communication link that works with Albertans and seniors' organizations to share information about the issues that are important to seniors with our government.

Thank you, sir.

**The Speaker:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Speaker. Yesterday during the debate on immunization that resulted from the Standing Order 30, I quoted from two different e-mails from constituents and promised to table those documents, which I am pleased to do now. The first is from Ann Campbell, who was raising questions about why those at risk were not given priority and a number of other issues that she was concerned about around the immunizations.

The second is from a Victoria Stevens, who wondered why the government change their mind, and why they neglected the vulnerable.

The third e-mail is from another constituent, Julie McGuire, who has been a great advocate on behalf of the grizzly bears. I think this is her second letter to me, which I am happy to table. She lists a number of requests, including listing grizzly bears as a threatened species, reinstating the Grizzly Bear Recovery Team, and dedicating a budget for recovery, which is above and beyond what the minister talked about today.

Thank you very much, Mr. Speaker.

**The Speaker:** The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thank you, Mr. Speaker. I see the guest I introduced earlier is still here, and I'm rising on his behalf to table some documents about his achievements. They include photographs from his doing push-ups in various locations around the world; articles, some in more than one language; the rules for competition; and the various Guinness world record certificates. I'm proud to make these part of the official proceedings of the Legislature.

Thank you.

2:50

#### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following document was deposited with the office of the Clerk. On behalf of the hon.

Mr. Liepert, Minister of Health and Wellness, pursuant to the Health Disciplines Act the Health Disciplines Board's annual report, January 1 to December 31, 2008.

**The Speaker:** The hon. Government House Leader on a purported point of order.

**Point of Order  
Imputing Motives**

**Mr. Hancock:** Thank you, Mr. Speaker. In the exchange earlier today during question period in the question from the Member for Edmonton-Highlands-Norwood directed at the Premier we heard some of the most despicable and scurrilous language that I think we've heard in this House. It really is an affront to the rules of the House and Standing Order 23(h), making an allegation against another member; 23(i), imputing false or unavowed motives to another member; and 23(j), using abusive or insulting language of a nature likely to create disorder.

If that wasn't bad enough, Mr. Speaker, it also violates, in my view, rule 481(f) in *Beauchesne*, which states, "make a personal charge against a Member," which mirrors our standing orders, and 491, which refers to: "The Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken." Also, 493(4) in *Beauchesne* would suggest that "the Speaker has cautioned Members to exercise great care in making statements about persons who are outside the House and unable to reply."

In the exchange the Member for Edmonton-Highlands-Norwood brought into it discussion about an issue which is clearly of significant importance to Albertans. We spent all yesterday afternoon on an emergency debate on his motion about the importance of Albertans' understanding what was happening with the H1N1 virus, what was happening, more importantly, with the vaccination program, and how all Albertans needed to be conscious and aware of the need to be vaccinated but also to clearly put a priority on those people at risk. That was the context of yesterday afternoon's debate. That's been the context of questions, some more informative than others, over the course of the last week.

But today the Member for Edmonton-Highlands-Norwood stooped to a new low in terms of the level of questioning by bringing into that very important debate a practice which is used in other places, which, quite frankly, I've always found totally offensive, and that is to allege false motives against a member of the government, in this case against the Premier, by suggesting that anything that an hon. member in this House would do and an hon. member of government would do and that the Premier would do would be linked to campaign contributions. It's particularly scurrilous to make that kind of a statement in the context of such an important issue to Albertans with no basis for making that statement.

Mr. Speaker, in looking at *Beauchesne*'s, I've had to really temper what I would say about the statements that were made because a number of the statements that one would be tempted to make have under 488 been ruled unparliamentary. For example, the statement that he's "scarcely entitled to be called gentlemen" was ruled out of order April 17, 1876; "honourable only by courtesy" was ruled out of order on April 30, 1880; "disgracing the House" was ruled out of order January 17, 1896; "a cowardly slanderer and a bully" was ruled out of order February 21, 1907; "stooping to pretty low motives," February 2, 1956; "cheap political way," December 2, 1960; "dishonest insinuations," March 10, 1960.

Now, just because terms have been ruled out of order doesn't mean that they're always out of order. In some cases they may actually be in order if they are appropriate in the context, but I don't

want to go there. I don't want to move off the language that was used by the hon. member today by asking you to rule that any of those statements which might otherwise have been entirely inappropriate in the circumstance are in order. Rather, I think we could go to things that have been ruled parliamentary to use, and that would be "spurious charge" and "unscrupulous."

Mr. Speaker, whatever language one uses, it should be clear to every member of this House and every Albertan that it's one thing to bring up political banter. It's one thing to make charges across when you've got evidence to base something on to say that something wrong has happened, but it is absolutely unscrupulous and spurious, when we're supposed to be treating each other as honourable people in this House, to raise in a question that someone, particularly in light of the answer that the Premier gave to the previous question that the incident was under investigation and that there would be serious charges, particularly if it was true, did what the hon. member alleges. That would be something that would surely be investigated for criminal charges. To raise that in the House simply to make cheap political points is the most obnoxious and foul attempt to demean the character of all members of this House, not just the Premier but all members of this House.

Mr. Speaker, the hon. member should be asked to apologize and withdraw.

**The Speaker:** Are there others who would like to participate? The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you, Mr. Speaker. I rise, of course, to ask that you do not follow the request made by the Government House Leader with respect to his alleged point of order. I think that the issue here that is relevant is that the Government House Leader refers to an alleged situation where allegations were made against another member. The Government House Leader suggests that perhaps there was some type of imputation of false or unavowed motives, and he also suggests that abusive or insulting language likely to create disorder was used.

To start with the last point first, I believe that it was actually at this point now that the hon. Government House Leader just spent five minutes reading through a list of language which has previously been ruled abusive or insulting. A clear review of every word and every bit of language used by the hon. leader of the third party in his question, of course, included not one word that would remotely come close to being abusive or insulting, so I would suggest that that's simply not applicable.

The next question comes: was an allegation made, or was there some claim that false motives drove a particular member? I would suggest that if you look very clearly at the question that was asked by the leader of the third party, what the leader did was that he asserted three facts, all of which are on the public record or which are known to be truths within this Assembly. The first fact is that, unfortunately – and I'm sure that many members on the other side agree with all members of the opposition on this – some citizens received preferential treatment in the access to the much-desired vaccination. We know the Premier acknowledged that that occurred. As well, it was reported in the news that some people got access to the vaccination not in clinics, so clearly they were treated differently. It's a reasonable assumption to suggest that it was preferential because they got access to the vaccine and they were not in clinics, which nobody else had the opportunity to receive.

The next thing that the hon. leader of the third party suggested was that there was a relationship between those people and/or people who had a business interest in the team and the PC government, and that is a matter of public record. It may be an uncomfortable thing

for people to hear sometimes, but there is a reason why these things are a matter of public record, Mr. Speaker. There is a reason why campaign donations to successful and unsuccessful people that run for office are a matter of public record, so that the public can have a public discussion about that in the way that that may or may not be a factor in the deliberation of public policy. We're not suggesting it is, but the fact that it's a matter of public record is simply that: it's a matter of public record.

3:00

The third thing that the hon. Member for Edmonton-Highlands-Norwood stated was that he talked about the Premier permitting a certain thing to happen. Now, I would suggest that that is a reasonable characterization of the principle of ministerial responsibility. When something happens in the government for which the member in question is being questioned and for which that member has responsibility under the tradition of ministerial responsibility, it's reasonable to suggest that it was permitted. It may not have been intentional, and we didn't suggest that it was intentional. It may not have been planned. There may not have been motives. There may have been none of that stuff. But that is not what the Member for Edmonton-Highlands-Norwood stated. He simply characterized what I would suggest is a known position within this Assembly about ministerial responsibility. Ultimately, the Member for Edmonton-Highlands-Norwood did not make an allegation, and he did not describe or articulate a motive. He simply outlined that which is on the public record.

While it's unfortunate, I appreciate that members on the opposite side have been subjected to a great deal of criticism both in this Assembly and in the public sphere over the last 10 days for a number of issues relating to the vaccination program and the way in which it has been laid out. Notwithstanding that that makes them perhaps a bit more sensitive, it's something that's going to be discussed and, throughout the discussion, all other elements of the mistakes that have occurred throughout the rollout of the vaccination program. The government has accepted as a fundamental premise that under the theory of ministerial responsibility it's a reasonable thing to be discussed in this House, and this matter is no different.

I would suggest that notwithstanding the discomfort that members opposite may feel with this, there was no allegation. There was no description of a motive. [interjection] Read the *Hansard*; it wasn't there. This is all information that has been publicly discussed, publicly posted on the elections website. As a result, I do not believe that the words of the leader of the third party meet the criteria for any of the three items that the Government House Leader referenced in his point of order.

Thank you.

**The Speaker:** It's a very narrow point of order. A lot of what has been said is totally irrelevant to this point of order.

Hon. Member for Calgary-Varsity, do you want in on this point of order?

**Mr. Chase:** Yes, please.

**The Speaker:** It's very narrow. Proceed. I'll sit you down if you wander.

**Mr. Chase:** Thank you very much, Mr. Speaker. I see this as an incident of a government kettle calling an NDP pot black. In complaining about allegations and unparliamentary language, basically the equivalent of suggesting that the hon. Member for Edmonton-Highlands-Norwood take a bite out of a bar of soap, the Government House Leader used these terms . . .

**The Speaker:** Okay. Hon. member, please, sit down. Before I recognized you, I clearly made a statement that much of what had been said is totally irrelevant to this point of order. You are now continuing in that same vein. This is not about the Government House Leader or anything else. If you want to participate on the point of order that was raised, do so, but what you just finished saying is totally irrelevant. On the point of order, or I'll sit you down again.

**Mr. Chase:** Thank you. The point of order had to do with an allegation being made of impropriety, and the manner in which the allegation was made, I would suggest, is as improper as the supposed allegation being discussed.

Thank you, Mr. Speaker.

**The Speaker:** Anybody else?

Okay. Sometimes it's amazing to me how when we get our way, we don't recognize that we actually got our way, and we just keep going. I listened very attentively to a question that was put forward today to the Premier by the hon. Member for Edmonton-Highlands-Norwood. I heard the Premier respond that he thought it was a very serious matter. He took it upon himself that he was going to have an investigation done to find out what this was all about and that when the investigation had concluded, he would report. Well, it seems to me, that's just about where the matter should end. I don't know. We win, but we somehow then just keep going. I guess we have to learn to either have the ability or the agility to understand this and deviate, then, from the script that we have.

Regardless of what was said, I thought everything that the hon. Member for Edmonton-Highlands-Norwood had wanted was responded to in the first question. But the hon. member goes on:

Thank you very much, Mr. Speaker. CNRL chairman and Calgary Flames owner Allan Markin has donated more than \$20,000 to the PCs since 2004. Team governor Harley Hotchkiss has donated nearly \$15,000. Chairman N. Murray Edwards has donated \$3,500, and owner Alvin Libin has donated \$2,000.

Okay. All, I suppose, statements of fact.

Then at that point the hon. Government House Leader jumps up: "Point of order, Mr. Speaker."

Then the hon. Member for Edmonton-Highlands-Norwood goes on:

Why won't the Premier admit that he's allowed his friends to jump the queue for the government flu shot, leaving vulnerable Albertans unvaccinated and risking serious illness or even death?

It seems to me that the point of order should have come after that statement because that's the one that basically gave something to somebody else. I just don't understand it.

Okay. It's public record that people make contributions. There's nothing wrong with that. You can use that. That's all part of the public record. We passed laws in this Assembly to basically say that political parties had to admit publicly who they got all of their funds from. I read very diligently every year how much the PCs get, how much the Liberals get, how much the NDs get, and now how much the Wildrose Alliance gets. I mean, the lists are there. I always check to see who, you know, are the biggest contributors. There's one lady on the NDP list that gives 100-plus thousand dollars every year, it seems, out of her estate or something. I'm quite impressed with that. I think that's what she gives.

I don't know why, after the Premier would respond that he's taking this matter seriously and that he's going to review it, an allegation would be made: "Why won't the Premier admit that he's allowed his friends to jump the queue for the government flu shot?"

Okay. Hon. Member for Edmonton-Strathcona, there may be another forum in which you make your arguments about these not



being allegations or anything else, but in this forum it strikes me that it was an allegation. You know, I'm not gifted in terms of the arts that one would find at a certain law faculty or anything else. Just kind of common sense is what sort of runs my way. "Why won't the Premier admit that he's allowed his friends to jump the queue for the government flu shot?"

Then you go further on. Another statement was made here during this discussion by the hon. Member for Edmonton-Strathcona. Quote, some constituents received access to the vaccine. End quote. Whoa. What's all that about? What's all that about?

I don't know why we get into this. You're recognized to raise a question, you win with the response that you get from the leader of the province of Alberta, and then you go on with something else. I mean, what's the purpose of all of this?

I don't like the language. I've got to dig down there hard to find this ability to move and shift. I mean, if you're going to get hit by somebody with a bodycheck, you sort of move so you don't get creamed. In this case you kept going for no reason at all. I think you certainly are more gifted than that, hon. Member for Edmonton-Highlands-Norwood, and you could have used better phrases. You'd already won, so why would you keep going on and doing that? I don't know. I don't get it.

I'm not going to, you know, dismember you or disembowel you or anything else. Maybe you could just add some clarification here to solve this issue so we can move on, that it was not the best temperate language.

**Mr. Mason:** I will certainly do that, Mr. Speaker. I was attempting to connect facts together, and perhaps I did that in a way that created a strong impression that I was making an allegation against the Premier when I was asking for him to elaborate on the connections that obviously I saw. It's clear that that's created a great offence on the other side, and I apologize for doing that. I will try and phrase my questions more carefully in the future.

3:10

### Orders of the Day

#### Government Bills and Orders

##### Second Reading

##### Bill 56

#### Alberta Investment Management Corporation Amendment Act, 2009

**The Speaker:** The hon. Minister of Finance and Enterprise.

**Ms Evans:** Thank you very much, Mr. Speaker. Yes, I'm pleased to spend a few minutes discussing Bill 56, the Alberta Investment Management Corporation Amendment Act, 2009. To refresh everybody's memory, what Bill 56 does is remove the Deputy Minister of Finance and Enterprise from the board of Alberta Investment Management Corporation, or AIMCo. The deputy minister was appointed to AIMCo's board when AIMCo began its transition to a specialized arm's-length organization. AIMCo's roots can be found within Finance and Enterprise as Alberta Investment Management.

This transition period began in 2008, and we felt it was prudent to maintain that link between the department and AIMCo until AIMCo was fully up and running as an independent organization. I'm pleased to say that AIMCo has been fully functional for some time, building a talented base of staff and knowledge to manage our investments. In fact, AIMCo is preparing to move to their new downtown Edmonton location early in 2010, and it will be setting up its own IT department separate from government. As one of the

final parts of their transition removing the deputy minister from its board will help to make it clear that AIMCo operates as an arm's-length organization.

Thank you.

**Dr. Taft:** Did you not want to adjourn?

**Ms Evans:** I would be quite prepared to adjourn the debate.

[Motion to adjourn debate carried]

##### Bill 57

#### Court of Queen's Bench Amendment Act, 2009

**The Speaker:** The hon. Member for Lethbridge-West.

**Mr. Weadick:** Thank you, Mr. Speaker. It is my pleasure to rise today and speak to Bill 57, the Court of Queen's Bench Amendment Act. We are always looking for ways to increase the efficiency and effectiveness of our justice system, and this legislation will do exactly that. Right now law enforcement must make applications under part 15 of the Criminal Code to obtain a warrant authorizing the use of a tracking device or a number recorder to a provincial court judge or a justice of the peace. Applications under part 6 of the Criminal Code for other types of warrants, like applications for wiretaps, can only be made to a justice of the Court of Queen's Bench. In some investigations multiple applications must be made because warrants under both parts are needed. In these cases more work is involved on the part of the police, and more court time is needed as two decision-makers must familiarize themselves with the lengthy and complex documentation typically submitted in support of these kinds of applications.

Bill 57 would give Court of Queen's Bench justices the same jurisdictions as justices of the peace in cases where law enforcement is applying for warrants under part 15 of the Criminal Code, authorizing the use of a tracking device or a number recorder, and applying for a warrant under part 6 of the Criminal Code. This will reduce the administrative time needed for law enforcement to apply for warrants. By reducing the number of applications that law enforcement needs to make in complex investigations that involve multiple warrants, court time can be used much more efficiently.

In conclusion, Bill 57 will increase the effectiveness of the justice system by decreasing the amount of court time and police resources needed in cases where complex and multiple applications are required.

I urge all members to support this important legislation and ask that we would now adjourn debate. Thank you.

**The Speaker:** Hon. member, I've just been advised that you did not move second reading, so perhaps you should move second reading as part of the discussion.

**Mr. Weadick:** Thank you. I'd like to move second reading of Bill 57.

[Motion to adjourn debate carried]

##### Bill 58

#### Corrections Amendment Act, 2009

**The Speaker:** The hon. Member for Battle River-Wainwright.

**Mr. Griffiths:** Thank you, Mr. Speaker. I rise today to move second reading of Bill 58, the Corrections Amendment Act.

This legislation will expand the monitoring and recording of inmate communications and will also allow offenders of provincial statutes and municipal bylaws to earn remission for their sentences. Earned remission, Mr. Speaker, allows the offender to earn reduced time through good behaviour, compliance with facility rules, and program participation. It's an incentive for them to behave well and to participate in programs while they're in custody.

Currently earned remission is available only to individuals serving sentences for offences under federal laws or where the offender's sentence includes convictions for both provincial and federal offences. Individuals serving sentences solely for provincial offences or municipal bylaw offences, which are generally less serious and nonviolent offences, do not currently have the opportunity to earn any remission. Examples of these types of offences, Mr. Speaker, include driving without insurance, gaming and liquor offences such as public intoxication, and petty trespass.

In fact, there have been situations where individuals convicted of much more serious Criminal Code offences have spent less time in jail than provincial statute offenders. In 2007-2008 individuals convicted of provincial statute offences spent an average of 9.9 days in jail. With one-third remission that would decrease to seven days. Now, I know that doesn't sound like a lot, Mr. Speaker, but this decrease in time spent in custody is expected to reduce the number of offenders in our provincial facilities by 40 people per day. Based on that estimate, we're looking at \$175,000 in savings per year.

Apart from Yukon, Alberta is the only jurisdiction that does not allow earned remission for provincial statute or municipal bylaw offences. These changes provide several benefits, including encouraging good inmate behaviour, reducing the offender population in our facilities, and making our legislation consistent with other jurisdictions.

The other amendments for the Corrections Act are about inmate communications. Currently recording and electronic monitoring of offender phone calls is permitted. In fact, Mr. Speaker, many legal decisions have recognized that inmates of a correctional facility have a reduced expectation of privacy. That's not going to change. This bill, however, would allow for recording and monitoring of all inmate communications rather than just phone calls.

Rather than labelling specific items, we use "inmate communication" to expand the scope of the communications that can be monitored and recorded to include written, oral, and electronic forms of communication among inmates and between inmates and the public. British Columbia uses the term "inmate communication" in its Correction Act, and making this change will prevent the need to list individual forms of communication. New forms always arise, and we won't have to change it in the act.

Electronic communications would be passively recorded. This means that conversations would be recorded directly into a database with no one monitoring them, no one listening to them. These recordings would be listened to only if there are reasonable grounds to do so, as set out by the act. Communications between an inmate and his or her lawyer or any other privileged communications that an inmate is entitled to would not be recorded or monitored. The practice being proposed is used in British Columbia and by Correctional Service Canada.

These amendments will provide us with greater opportunities to intercept and report active or planned criminal activity, which will make our communities safer, Mr. Speaker. This legislation allows us to address communication technology as it evolves and gives law enforcement another tool to help prevent crime. It also gives offenders an incentive to participate in programs, follow the rules of our facilities, and get back out to be productive members of society faster.

Mr. Speaker, with that, I conclude my comments, and I would move to adjourn debate.

[Motion to adjourn debate carried]

### Bill 59

#### Mental Health Amendment Act, 2009

**The Speaker:** The hon. Member for Edmonton-Meadowlark.

**Dr. Sherman:** Thank you, Mr. Speaker. I rise to move Bill 59, Mental Health Amendment Act, 2009.

Community treatment orders, which will be issued by two physicians, one of whom is a psychiatrist, will enable individuals to maintain their mental health treatment in the community. These orders will reduce the need for hospitalization and help to keep more hospital beds available for those individuals who need a greater level of care.

Bill 59 includes amendments that support the introduction of community treatment orders which were established by the Mental Health Amendment Act, 2007. It is expected that the provisions in the Mental Health Amendment Act, 2007, relating to community treatment orders will come into effect early in 2010.

Throughout 2008 consultations were conducted with numerous stakeholders, including the Alberta Alliance on Mental Illness and Mental Health, the patient advocate, Alberta Health Services, the Alberta Medical Association, as well as practising psychiatrists. These stakeholders provided input and helped to identify the need for the amendments contained in this bill.

I'd like to provide you with a brief summary of the proposed amendments. The section 9.6 amendments. To support community treatment orders, the 2007 act provided that if a person subject to a community treatment order did not accept the treatment and care outlined in the order, a psychiatrist could issue an apprehension order. This order allows for an examination to determine whether the individual should continue to live in the community. An apprehension order may not be issued until after the psychiatrist has tried to contact the person and re-establish treatment and care.

#### 3:20

This bill also incorporates an amendment that clarifies the role of psychiatrists. The amendment ensures that any psychiatrist, rather than only the psychiatrist that issues the community treatment order, may issue an apprehension order. This amendment is supported by psychiatrists who participated in the consultations.

The section 9.7 amendments. In the 2007 act a provision was also included that permits a physician to be designated to act in the place of a psychiatrist when the psychiatrist is not available. This provision was included so that people living in remote areas that do not have a resident psychiatrist could also have access to community treatment orders. These designated physicians must consult with a psychiatrist before exercising their authority under the act. This bill clarifies that designated physicians, in addition to issuing, amending, and cancelling community treatment orders, may also issue apprehension orders.

Section 42 amendments. This bill also clarifies the criteria a review panel may consider when hearing reviews related to community treatment orders. It also responds to issues raised by review panels.

Section 45 amendments. In addition, Bill 59 clarifies that the authority of the patient advocate to request information on records when conducting investigations applies notwithstanding the Health Information Act. Supporting the role of the Mental Health Patient Advocate is essential to the protection of those with mental disorder.

ders. The patient advocate's role was recently expanded to include the authority to investigate complaints on behalf of persons subject to one mental health certificate. It will also include people subject to community treatment orders. This amendment ensures the patient advocate is able to access records that are vitally important to the advocate's ability to conduct a full and meaningful investigation.

Lastly, section 52 amendments. Section 52 confirms that technical irregularities within the forms required under the act are not sufficient to invalidate actions taken under the act. The amendment to this provision extends this rule to community treatment order forms as well.

In conclusion, Mr. Speaker, this bill demonstrates our recognition of the important role of the mental health services in our health system and signifies this government's continued commitment to supporting the availability of these services to Albertans in need. I would ask all members of the Assembly to support this bill.

With that, I move to adjourn debate today on Bill 59. Thank you, Mr. Speaker.

[Motion to adjourn debate carried]

### **Bill 60 Health Professions Amendment Act, 2009**

**The Speaker:** The hon. Member for Strathcona.

**Mr. Quest:** Thank you, Mr. Speaker. The Health Professions Act provides the legislative structure that supports the regulation of health professionals by their health profession governing bodies. Bill 60 amendments will keep the regulatory environment current. The amendments in the bill are routine amendments that have been requested by the colleges and reflect the evolution of the Health Professions Act.

First, the bill will amend the practice statements of three health professions. The practice statements contained in each profession's schedule under the act identified the activities of a health professional that are subject to the regulatory control of the college. The respective colleges have requested that the professional practice statements for acupuncturists, schedule 1, dentistry, schedule 7, and midwifery, schedule 13, under the Health Professions Act be expanded to include the activities of teaching, management, and conducting research. In response Bill 60 will amend the practice statements for acupuncturists, dentists, and midwives to allow the respective colleges to regulate the practice of members who are engaged in teaching, management, and research within the profession.

Second, the Health Professions Act reserves certain titles for each profession. This bill updates the titles reserved by three health professions. A reserved title may only be used by qualified and registered health professionals. The Alberta College of Paramedics is developing its regulations under the Health Professions Act. The titles of paramedic, primary care paramedic, critical care paramedic, and several provisional titles along with the respective initials are to be added to the list of reserved titles for this profession.

The College of Pharmacists has begun the process to amend its professional regulation to accommodate pharmacy technicians as regulated members and has indicated that titles for pharmacy technician students and provisionally registered pharmacy technicians are required. The bill will also amend the title of schedule 19 to include pharmacy technician. This will clarify that the Alberta College of Pharmacists regulates both pharmacists and pharmacy technicians.

Lastly, Bill 60 will update the titles reserved for registered nurses

in schedule 24 to include graduate nurse and graduate nurse practitioner.

The respective colleges for these health professions have either requested or have been consulted on and support these changes. Mr. Speaker, this bill demonstrates our recognition of the important role health professions have in our health system and signifies this government's continued work with the governing colleges to ensure that legislation meets their needs. I ask all members to support this bill and move this bill to the next stage.

I move second reading of Bill 60 and ask for the debate to be adjourned. Thank you.

[Motion to adjourn debate carried]

### **Bill 61 Provincial Offences Procedure Amendment Act, 2009**

**The Speaker:** The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. As usual, a pleasure to rise in the House. It is my pleasure to speak today to Bill 61, the Provincial Offences Procedure Amendment Act.

This bill further extends our Premier's commitment to creating safe communities, and as a result of this legislation we will see more police officers actually working on the street and doing the work that they have been trained to do and that they want to do as opposed to spending time in courthouses and other hearings. The amendments in this legislation will help to increase the effectiveness and efficiency of the Alberta justice system as well.

I will touch upon three amendments that will help update this Legislature on this particular bill. The Provincial Offences Procedure Act sets out the rules for prosecuting offences under the Alberta provincial statutes and municipal bylaws. The amendments in Bill 61 include changes that will update the legislation and help decrease pressures on court time and law enforcement. Bill 61 will expand the circumstances under which police officers may submit affidavit evidence if they were not a primary witness to an offence. For example, as something I imagine every member in this House can relate to, in operations like speed traps there is often one officer responsible for operating the radar, who actually witnesses the offence, the speeder, one officer is directing the offenders to the side of the road, and the third officer is actually physically writing the ticket. In some cases when a ticket is disputed by the offender, all three officers are required to attend court when only one of them actually saw the offence. Imagine three police officers in a courthouse and not on the street.

Right now in situations like speed traps the officers who did not witness the actual offence can submit affidavit evidence, meaning they do not physically need to go to court. The amendment in Bill 61 will extend this kind of situation in which police officers can offer this affidavit evidence to situations like stop signs and seat belt violations. This will allow police officers to spend more time on the streets, where they are needed, and less time in our courtrooms. It will also reduce the amount of court time used in these cases.

This won't of course impede the accused's right to cross-examine a witness. In situations where affidavit evidence will be used by police officers, the Crown must give advance notice. The accused would notify the Crown if they would like to cross-examine the officers. If the accused wants to cross-examine the officer, they can. If they do not, the officer can submit their affidavit instead of coming to court.

Another amendment in Bill 61 allows the accused person who

currently has to attend court personally or by agent to plead not guilty to do so by registered mail instead of actually taking the time of the court in appearing in person. In some cases an accused will receive a summons to appear in court to enter a plea. Sometimes the court the accused must attend is far away, and appearing may be a hardship or an inconvenience as one would have to appear to plead not guilty and then appear again at the specified trial time. Right now for some offences an accused can plead not guilty by mail, allowing the court to set a trial date and notify the accused of the trial date by mail. These are generally offences that would not result in a warrant being issued if the accused failed to appear. Under the proposed amendments, Mr. Speaker, accused persons could plead not guilty by registered mail if they are charged with an offence that would result in a warrant. By using registered mail, the accused can check to ensure that their plea has reached the designated court.

3:30

Bill 61 will also increase the amount a justice of the court can award as compensation for damages, from \$2,000 to \$25,000, in cases where the property damage is readily quantifiable. In situations like traffic accidents there is often evidence on the amount of damage of the property such as a damaged vehicle. A presiding justice has the ability to order compensation. Under Bill 61 the maximum the justice can award will increase to \$25,000, as I said earlier. This will be applicable in straightforward cases where there is quantifiable damage to property.

Mr. Speaker, the Provincial Offences Procedure Amendment Act will help increase the effectiveness and efficiency of the justice system. The amendments in Bill 61 will help update the legislation, free up court time and resources, and reduce the amount of time police officers need to spend in court. I urge all members of this House to support and vote in favour of Bill 61.

At this point, Mr. Speaker, I would like to adjourn the debate.

[Motion to adjourn debate carried]

### Bill 48

#### Crown's Right of Recovery Act

**The Speaker:** The hon. Minister of Health and Wellness.

**Mr. Liepert:** Thank you, Mr. Speaker. I'm pleased to rise today and move second reading of Bill 48, the Crown's Right of Recovery Act.

This proposed legislation will enhance government's ability to recover health care costs resulting from wrongful acts or omissions. This authority currently exists in part 5 of the Hospitals Act. Issues have arisen within the current legislation which make some cost recoveries difficult or impossible, impacting the effectiveness of existing programs. Clarifying and updating existing provisions increases government's ability to recover health care costs, and this ends up being a benefit for all Albertans.

Cost recovery involves more than just hospital costs, so it makes sense to set out these provisions in stand-alone legislation. Bill 48, the new stand-alone legislation, has been drafted in two substantive parts. Part 1 of the bill will enhance the province's ability to recover health care costs and ensure stakeholders are fulfilling their obligations under the law. The cost-recovery process consists of two components. The first is a specific claim-by-claim recovery. These recoveries can include automobile-related injuries involving at-fault drivers from outside Alberta, medical malpractice injuries, product liability, slips and falls.

The second component of cost recovery is an aggregate assessment established annually by the Minister of Health and Wellness,

paid by automobile insurers. The aggregate assessment is the minister's assessment of the cost of health services provided to Albertans injured through the use of an automobile insured in Alberta. If an automobile insurer licensed in Alberta contributes money to Alberta's aggregate assessment, government will not recover costs for that insurer for motor vehicle accidents occurring that year. In addition, we've added new provisions that will allow government to recover health care costs from those convicted of criminal offences if they are injured while committing a crime.

Part 2 of the bill will expand the scope of the Crown's right to recover costs to include the authority to recover health care costs incurred as a result of tobacco-related disease. This authority will mirror legislation passed in British Columbia and other provinces and will enable Alberta to commence an action against tobacco manufacturers if the province chooses. No decision has been made to proceed with legal action at this time.

This bill enhances the province's ability to recover health care costs caused by wrongful actions or omissions and is an important government initiative in our work to improve the sustainability of the health system.

I move second reading of the bill and ask all members to support this bill.

I would move to adjourn debate, Mr. Speaker.

[Motion to adjourn debate carried]

### Bill 46

#### Gunshot and Stab Wound Mandatory Disclosure Act

**The Speaker:** The hon. Member for Strathcona.

**Mr. Quest:** Thank you, Mr. Speaker. I rise today to move second reading of Bill 46, the Gunshot and Stab Wound Mandatory Disclosure Act.

This bill is an important one because it will make our communities safer as well as provide needed clarity to health practitioners. This legislation will make it mandatory for health practitioners to report gunshot and stab wounds. Similar legislation exists in Ontario, Saskatchewan, Nova Scotia, and Manitoba. Under the Health Information Act health care practitioners, including physicians, nurses, and EMT paramedics, have the discretion to report gunshot or knife wounds in limited circumstances, but they are not required to do so. This act will give health practitioners clarity regarding when disclosure of information is required and what information they should supply to police when individuals are treated for gunshot and stab wounds.

Mr. Speaker, law enforcement is not seeking a carte blanche access to medical charts, files, or confidential doctor-patient information. The only information health care professionals will be asked to give is the name of the patient, the name of the facility, and the type of wound. In the case of EMT paramedics, they would have to give the same information and location of where the victim was treated if the person is not transported to hospital.

This bill balances a patient's right to privacy of health information with law enforcement's need for information to help maintain public safety. Health care professionals are already self-regulated, so penalties for noncompliance with this act are not necessary. Patient treatment will also be top priority for health care professionals. They would only make the disclosure to police as soon as they can, without interfering with the patient's treatment or disrupting their activities. This legislation won't create extra paperwork for health facilities because the disclosure is to be made verbally.

Unreported gunshot and stab wounds pose a public safety concern,

and this bill identifies and addresses this important public safety matter. The information police receive as a result of this legislation will help police ensure that there isn't a threat of further violence and may even help prevent violence, injury, or death. Reporting gunshot and stab wounds may bring serious incidents to the attention of the police sooner rather than later, so they can assess the threat and take the necessary steps to prevent further violence. By putting police in the position where they can check the situation out, they would also be able to alert other agencies if necessary. Likewise, police could protect the public in the case where the perpetrator returns to the scene or to the victim. This legislation supports our government's commitment to safer communities.

Mr. Speaker, Albertans deserve to live, work, and raise their families in safe and secure communities, and Bill 46 is another step toward that goal. Thank you.

[Motion to adjourn debate carried]

### Bill 49

#### Municipal Government Amendment Act, 2009 (No. 2)

[Adjourned debate June 2: Mr. Lukaszuk]

**The Speaker:** The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. The Municipal Government Amendment Act, that has been read a first time, addresses a very important issue. Most members may not be aware of the fact that once firefighters do their work and appear at a fire, put out the fire – most properties in Alberta, you hope, are insured so that the owners of the properties are paid whatever the loss may have been – what happens later is that very often fire departments and municipalities are sued by insurance companies that underwrite the property that has been burnt and allege negligence on behalf of the fire departments and the municipalities, basically stating that more could have been done to save the property.

Mr. Speaker, as we all know, our firefighters in this province don't hold anything back. When people run out of a fire, they run into a fire, and their priorities are such that they save lives first and then property second. It is very unfortunate when following a fire, firefighters have to appear in front of lawyers and in courthouses, having to testify and justify the work that they did and justify how well they have done it, particularly where hired guns are hired by insurance companies, consultants, alleging that they could have done more and questioning decisions that they made in a moment of urgency, doing their best based on their pretrained instincts, and later armchair critics criticize the work that they have done.

3:40

Mr. Speaker, as I'm speaking, the city of Edmonton alone, I understand, has \$35 million worth of litigation on the books from past losses. Unfortunately, most of those cases are so difficult and expensive to litigate that municipalities and fire departments simply settle them 10, 15, 20, 30 cents on the dollar. Now, what happens is that it offsets the costs of insurance companies paying out these claims, obviously. But what it also does is create another burden on the taxpayer, who has to foot the bill if a municipality pays for it. Bill 49 will put an end to that. It will basically say that firefighters are working in good faith and are doing everything they possibly can based on their training. Any decisions made by firefighters in good faith, from the moment that the bell rings at the fire station to the moment that they return, will not be questioned and will not be subject to litigation.

Credit has to be given where credit is due, Mr. Speaker. This bill

has been endorsed by the Insurance Bureau of Canada, who did see the wisdom in stopping this practice of litigating against fire departments and municipalities and actually were kind enough to assist this province in co-writing this particular legislation. So kudos has to be given to the Insurance Bureau of Canada. Also, kudos has to be given to all the municipalities that have unanimously supported this bill and, last, but definitely not least, to firefighters in Alberta, their union, their association, and their legal department, who have also assisted in drafting this bill.

Mr. Speaker, I don't think I need to speak at length. It is simply the right thing to do. Stop litigating against our firefighters to make sure that they don't second-guess their decisions and that they proceed doing the work that they do best and that, as in the previous piece of legislation I just introduced, they don't spend time in courthouses but actually spend time on the street fighting fires.

I thank all the members of this Legislature, too, for listening to this. I hope that they will support this bill as it is, as I said earlier, the right thing to do for our firefighters.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Calgary-Currie.

**Mr. Taylor:** Thank you, Mr. Speaker. It is my pleasure to rise and join debate on Bill 49, the Municipal Government Amendment Act, 2009 (No. 2), in second reading today. I won't take up a lot of the House's time on this one because we are supportive as well of this legislation. I think it goes in the right direction. I think the member opposite was absolutely correct in saying that this is the right thing to do.

The legislation would protect anyone working for or volunteering for a fire service organization from being liable for the loss or damage to anything when they're performing their duties in good faith. Mr. Speaker, I guess that basically what that means is that as long as they are in the process of trying to extinguish a fire, trying to rescue someone from a burning building, or whatever else falls within the scope of their duties and in good faith they feel that it's necessary to perhaps do some damage to some part of the building in order to save the rest of it, for example, they're off the hook for that because they've done what we expect firefighters to do, what they've been trained to do, and what in good faith they should do. If the firefighter were to pick up an axe on his off time and smash down the door of his neighbour's house, this bill would not cover that sort of thing, certainly.

You know, this seems absolutely reasonable with just one proviso. I think I'd like to put this on the record here, and perhaps we can talk about it a little bit more at committee stage. Less liability, I think, Mr. Speaker, means that there needs to be greater responsibility, not on the part of the firefighters themselves but on the part of the system, if you will, to make sure that our firefighters are trained to the best, most current standards and that they're using the best equipment and technology available. In many cases – and this is especially true when we're dealing with volunteer fire departments – some of that equipment is getting creakily old and stands to get a lot older, or a much higher percentage of it, I should say, stands to get creakily old over the course of the next few years. We have to I think address that issue and have to make sure that when we send our firefighters out to do their jobs in good faith, whether they be career firefighters or volunteer firefighters – and it's especially important in the case of volunteer firefighters because we rely on their volunteer efforts to perform a vital service for small communities. There is real concern behind this legislation that it's getting tougher to find volunteer firefighters because they want to fight fires; they don't want to fight lawsuits in court, plain and simple. I

think we owe a duty to them to make sure that they're going into a dangerous situation, often a life-threatening situation for them and perhaps for others, with the best training, the best equipment, and the best technology that's available.

One other minor concern. Again, I think we can probably get to this in a bit of a back-and-forth at the committee stage. To me and to us it seems relatively uncontroversial to extend this protection to motor vehicle accidents because the actions of a firefighter can have considerable consequences to occupants in a badly damaged car. Maybe I missed something that the member said – and I'll go back and check the Blues – but I'm not entirely sure why that exception was made, why that wasn't covered in the bill as well. As I said, Mr. Speaker, I'll check the Blues. It may come up again in committee, and we'll talk about it a little more at that point.

In Calgary and in Edmonton a number of lawsuits have been launched by insurance companies in recent years that sought in total almost \$60 million in compensation. In one case one significant lawsuit was resolved out of court. I don't think this is what any of us in this House or any of us in this province want to see happen to our firefighters. There may be building code violations to talk about. There may be all kinds of extenuating circumstances to talk about. But when fire breaks out, Mr. Speaker, we want our firefighters to be able to get there in the quickest time possible and do what they need to do to put out that fire and save lives.

In principle we will be supporting Bill 49. We may get into a little more discussion at the committee stage about the specifics of it, but on that basis I'll take my seat, and we'll see where the debate goes from here.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thanks very much, Mr. Speaker. I'm pleased to speak to Bill 49, the Municipal Government Amendment Act, 2009 (No. 2). I want to begin by commending the Minister of Municipal Affairs and the hon. Member for Edmonton-Castle Downs for bringing forward this piece of legislation.

This has been an issue that has concerned municipalities in this province for a long time. I don't think that our municipal governments and particularly our fire departments are there in order to constantly defend whatever they do in court against insurance companies. They're there to put out fires and to prevent fires and to do the best they can. They should not be a reservoir of money for insurance companies to mitigate the payment of claims, and that's really what's happened.

Whether or not municipal governments and fire departments are responsible for worsening a situation, the fact is that they act in good faith to try to protect property and protect lives, and I don't think that they should be spending large amounts of public resources in courts defending their actions and constantly having to look over their shoulders. We know that they work hard. They take risks and face dangers on behalf of Albertans and the property of Albertans.

There's another aspect here, and that has to do with volunteer fire departments, who are very important in rural areas. It's clear that the present situation is a deterrent to individuals getting involved in their local volunteer fire department. It seems to me that we all agree that a policy of encouraging people to be involved with volunteer fire departments is what's in the best public interest.

3:50

Mr. Speaker, I would rather see our firefighters fighting fires than fighting insurance companies. I think that the bill is a reasonable

step that supports firefighters in the work that they do and protects municipalities from unreasonable litigation attacks by big insurance companies who use it as a means of recompensing themselves for the payments that they have to make to the people which they insure.

As such, I want to indicate that we'll certainly be supporting this particular piece of legislation, and we urge that it should be passed by this House. Thank you, Mr. Speaker.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. Additional speakers? Call the question?

**Hon. Members:** Question.

[Motion carried; Bill 49 read a second time]

### Bill 46

#### Gunshot and Stab Wound Mandatory Disclosure Act

[Adjourned debate November 3: Mr. Quest]

**The Speaker:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. It's a privilege to stand and discuss Bill 46, Gunshot and Stab Wound Mandatory Disclosure Act. I will be supporting this bill. It is not uncontentious, but it will on balance probably be a good thing for Alberta citizens. I would like to discuss the bill in more detail, outline some of the advantages as well as some of the concerns that we may have to monitor here in Alberta and decide, perhaps, at some other time whether this legislation is working. Like I said right now, on balance I believe this is a decent step and one that is needed out there, but at the same time it is with some reservation.

As was noted by the introducer of the bill, other provinces have already gone down this path and introduced mandatory disclosure of gunshot and stab wounds. Those are Ontario, Manitoba, Nova Scotia, and I believe one other. It's not that Alberta is the only one who has introduced this type of legislation.

At the nub of the issue is the balance for patients who are going to our emergency wards who have suffered gunshot or stab wounds, who are, first and foremost, primarily patients at the emergency ward. Let's face it. It's not without care or concern that we make laws regarding the mandatory disclosure of medical information. It has been our tradition in Canada and, in fact, it's been reinforced a long time that, generally speaking, we respect a patient and his doctor, his medical adviser's right to sort of keep this information between themselves.

Generally speaking, people have had the right and the privilege to discuss their medical conditions when they're getting medical treatment from their doctor or even other health practitioners in an open and fair manner, discussing all sorts of things that they wouldn't generally otherwise discuss with their neighbour, some things that are very private to them and that they want to keep between themselves and their medical practitioner. Let's be honest. In the case of gunshot and stab wounds most of the time these types of incidents come to the attention of our medical practitioners in the emergency ward through examples of suicide, in particular, when dealing with gunshot wounds. Many of the people who come to our hospitals have tragically decided to make attempts on their life.

In some of the information I read by some of the medical institutions who are not in favour of this legislation is the fact that most of these people are trying to seek help and trying to get healthy and trying to move on with their lives. Sometimes the concern by some of the people who have commented on this bill is that this may

actually impede their way to seeking help, to seeking treatment. That is just one of those things that I think we have to continue to monitor with our implementation of this bill, whether we are going to scare away people from coming to our emergency wards, from seeking help, from getting the care from their medical practitioner.

On the other hand, let's face it. People who maybe make an attempt on their life may sometimes have a mental illness difficulty or something like that that may need some alert of the authorities for other protection, whether an incident has happened at home or whether an incident has happened at the neighbour's. You know, there are arguments on both sides of this, but again it'll come down to some careful managing on the Minister of Justice's behalf, hopefully to continue to monitor this situation, and hopefully it will be in the best interests of our society.

If we look at this, the police officers have clearly wanted this legislation. They look at this as being able to respond to some of the gang shootings that have been occurring here in Alberta and have been calling for an ability to get this information quickly and easily and with an ability to go out there and, hopefully, find the perpetrators of these heinous acts. I agree that on balance this bill allows the information to get to the police officers and, hopefully, get to an arrest of these people who have perpetrated these violent acts.

Like I said, in principle I am in favour of this bill going forward but not without some reservations and not without my two-bit advice to the hon. minister to continue to monitor this act going forward. Hopefully, an analysis of this bill in two or three years will lead to the conclusion that it was wise to bring in and that there won't be any changes that are necessary at that time, but if there are, hopefully those changes are made.

The last thing I'd like to sort of bring up is that there are some implications here that may have some Charter scrutiny. If there are some people out there in the community who wish to challenge this, there are opportunities for that to happen. I don't need to advise the hon. minister on what those are. I'm sure she is well aware of that. Hopefully, this bill will survive that scrutiny should it happen. Nevertheless, it's out there, those challenges could be made, and this bill could find itself redundant at some point in time.

Nevertheless, like I said at the beginning of this, at the outset, we're supportive of this legislation with some great reservations on the fact that it does have implications to individuals in our society seeking medical care and on their privacy.

It is with those thoughts in mind that I've appreciated the opportunity to speak to this bill this afternoon. Thank you very much, Mr. Speaker.

4:00

**The Speaker:** Additional members? The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, my reservations with this bill perhaps run a little deeper than for my hon. colleague from Calgary-*Buffalo*. My concern with this bill is that it appears fraught with a potential for unintended consequences. The premise is very simple. If someone is involved in an altercation where they might be wounded by a weapon, they go to a doctor or they go to an emergency room. That matter needs to be reported to the police, and that will help the police do their job.

On the face of it that would appear to make sense, but I think if you look a little further into this and consider different possibilities, you'll find that it could have a different outcome than what is intended by the bill. One might be that a person who needs care who might be a victim, not necessarily a perpetrator, might not go for the medical care that they need. There are lots of reasons why victims

would not necessarily want to go if their injury had to be reported to the police. I think that that's the most obvious of them.

There are a number of concerns as well because it really does provide limits on people's personal freedom. It interferes with the patient and doctor relationship. What concerns me here – and, you know, those things are not absolute. I want to be clear. I don't think that the patient-doctor confidentiality issue is absolute, but I think that we need to intrude on it carefully and for well-founded reasons.

It concerns me that the College of Physicians and Surgeons, the College of Paramedics, and the Alberta Medical Association were not consulted in the drafting of this bill in this respect. I think that's a concern. They have all expressed concern about the difficult position the bill would put health care professionals in in balancing their obligations to their patients and their obligations to the police. The Alberta Medical Association also indicates that it's uncomfortable with the vagueness of the bill and the fact that the information that must be reported is under the control of regulations.

Not only that, but the Information and Privacy Commissioner has expressed concern that this bill will interfere with the provision of emergency medical care. He wants the government to clearly state what information needs to be reported. Mr. Speaker, the bill in its present form doesn't do that.

Other concerns that we have. The law has the potential to needlessly stigmatize the mentally ill and the suicidal. Although stab wounds that appear to be self-inflicted are exempted from the law, it may in fact be extremely difficult to judge that. Self-inflicted gunshots are not exempted, meaning that if a person shoots themselves, the wound must be reported. No good will come of opening up suicidal and ill people to scrutiny from the police through reporting their wounds as though they were due to criminal activity.

Finally, Mr. Speaker, health care providers are not law enforcement officers, and there's a real question as to whether or not they should be given law enforcement duties. We want to retain as much as possible the obligation of health care providers to the patients. The bill has the potential to erode patients' trust in doctors and make people less willing to seek medical attention when they really need it.

Mr. Speaker, I can see the potential for a number of circumstances in which people who require medical attention would not seek it under the provisions of this bill, and I think that would be extremely unfortunate. While the intent of the bill on the face of it is good, I think that it is not sufficiently thought out in its present form to be supported by the Assembly, so I just want to indicate that as it stands in its present form, it's not something which we can support.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. No members wish to participate?

Then the hon. Member for Calgary-*Varsity* to continue debate.

**Mr. Chase:** Thank you very much, Mr. Speaker. I understand where the hon. Member for Edmonton-Highlands-Norwood is coming from. I also understand the support in general that my colleague from Calgary-*Buffalo* is professing. I urge the government – and I'm very pleased that the Minister of Justice is here and attending to the debate because I'm hoping that she will contribute to assure us that potential human rights, civil liberties, privacy concerns will not be violated either intentionally or accidentally with this legislation.

As I say, we need to have a very delicate balance. The intentional wounding of an individual and the victim: that information needs to be reported. Where it becomes unclear is in the case of mental illness. The idea of self-harming is just one of the many factors that

are associated with types of mental illness. I'm not wanting to be picky about things here, but to what depth is a stab versus a severe cut? One of the characteristics, again, is of people cutting themselves because of their mental illness. The doctor, I would suggest, or the person treating the individual would probably have a fairly good sense as to how many times this person has shown up in emergency before. They would also have a reasonably good sense if the arm was up and the cuts on the arms were from a defensive circumstance, warding off an attack, or if the angles suggested that they were self-mutilation. That's where the balance has to take place. To what extent is the doctor required to report these incidents?

We're fortunate in Canada that we don't have the same type of gun availability or gun desirability as our southern counterparts, but we still have a number of klutzy people who by uncarefully cleaning their guns or through unsafe storage have the potential of wounding themselves. That's beyond the individuals who do it with deliberate action in the hopes, unfortunately, of ending their lives. It's not a black-and-white issue. That's why we rely on the professionalism of medical experts to do the determinations. We don't want to limit the professional judgment of doctors in these particular circumstances.

4:10

Both the hon. Member for Edmonton-Highlands-Norwood and the hon. member representing Calgary-Buffalo, a lawyer, have talked about the delicate nature of doctor-patient privilege. Earlier today in this House when Bill 58 was mentioned, they mentioned that there would not be eavesdropping on the discussions a lawyer had with his incarcerated client. That would not be subject to listening in or overt scrutiny. We have to be careful, as we say. We want the best for society, but we have to balance what's best for society with individual civil liberties.

One of the concerns I have, too, is the changes that are happening with regard to, for example, the closure of approximately 250 beds or thereabouts in the Alberta Hospital here in Edmonton. The police forces, the EMS, the emergency physicians have expressed concerns about releasing individuals into the community without the necessary support and treatment. These individuals who have been under the guidance of medical professionals at the Alberta Hospital are among the most likely to do some self-inflicted damage. That damage to themselves is in the realm of the patient and the doctor. It's not necessarily something that requires the involvement of the police. They need professional psychiatric or psychological treatment, and that fine line as to who has that information passed on and the privacy is, to a degree, a concern.

Now, I appreciated the honourable mover of Bill 46, the MLA for Strathcona, indicating when it would be that the doctor or the medical professional would have to do the reporting. He made it quite clear, Mr. Speaker – and I'm pleased that he did – that the doctor wasn't to drop his scalpel or whatever instruments he was using to remove the bullet to, you know, dial the police force. In other words, his or her recognized professionalism supersedes the need to go from doctor to informant, or information provider, so as there's not any prejudicial language being used here.

Now, when I have had the misfortune of having to show up at the emergency, I cannot remember a time when there weren't police officers there. The police officers were frequently with somebody who had been beaten up or who had been involved in an accident. My sense of things is that there probably is a police officer at each of the emergency hospitals for a fair amount of the time. The police officer, just in the general way of making the rounds, I would think, would be able to access files and see the nature of the patients,

specifically those where there was some type of violence involved. They could find out that information without necessarily slowing the treatment of a wounded individual down.

Depending on what day – or it seems that it happens more in the evening – emergency professionals are taxed to the maximum in terms of providing treatment. They're racing to do their professional best from situation to situation. Adding the extra reporting responsibility has to be balanced with, as the hon. Member for Edmonton-Strathcona mentioned, their first duty, providing the medical support and treatment.

So while we are in agreement with the notion of reporting gunshot and stab wounds, we just urge the Minister of Justice to tread carefully, to not remove the protective nature of a doctor whose primary business is the Hippocratic oath and to do no harm. Combined with those two thoughts, their primary purpose is the treatment of patients as opposed to the reporting to police officers. This is important, but I would just urge caution so that doctors' civil rights and their patients' civil rights are not compromised.

Thank you very much for those considerations.

**The Speaker:** Standing Order 29(2)(a) is available.

Additional speakers?

Shall I call on the hon. Member for Strathcona to close the debate?

**Hon. Members:** Question.

[Motion carried; Bill 46 read a second time]

#### Bill 48

#### Crown's Right of Recovery Act

[Adjourned debate November 3: Mr. Liepert]

**The Speaker:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. The way the court systems are set up, judges have the opportunity to decide on compensation for victims of crime. They have an opportunity for the person who perpetrated the crime to make restitution to the individual that was harmed. They have all kinds of legal precedent with which to make these decisions. When we as legislators set out the laws, which judges and lawyers then have to operate under, we have to be very careful that what we're putting forward as a law can be maintained.

Now, a person injuring themselves while committing a crime and then having to pay back whatever the cost of their treatment was sounds fairly reasonable except that we operate in a universal health care belief that, again, going back to the Hippocratic oath, a doctor through his professional oath and commitment is expected to provide that kind of treatment regardless of how the injury occurred. Therefore, there's a degree of concern as to, one, under what circumstances that bill is to be paid. There is the concern of how the person who is potentially incarcerated is going to have the funds to pay their medical bills when the rate which they receive for, say, working in a prison shop or whatever is such a small amount. Part of the decision, then, is: does the person get kept in jail longer in order to pay their bills, or do we try to encourage them to get counselling within the prison system, to develop a skill within the prison system, and then do we release them and garnishee, I think the term is, their wages once they're out?

4:20

This sort of crosses over the victims of crime legislation to a degree because these individuals, particularly the criminals who get



caught, aren't the brightest bunch, and the notion that they have managed to save large sums of money and can pay the bills is frequently not the case. The majority of criminals are people who, based on their poor decision-making, have gone to crime. There are obviously a few exceptions, but being able to pay is a concern.

Then there is the extended slippery slope argument with regard to smokers. Because they have an addiction, should they be paying for the complete extent of their treatment? If you take it a step further, individuals who, through their reduced gene pool, have a series of illnesses that are hereditary: to what extent are they responsible for paying their bills? I don't want to take this too far in terms of extending what is the principle of a criminal paying for their own treatment, but we have to be careful how far this gets taken.

Now, with regard to the second part of Bill 48 and the suing of tobacco companies, I'm all in favour of that, except that – we've talked about the Hippocratic oath – we've got to be careful that we're not hypocritical when we launch our suits. Now, hopefully there's someone in this House – I see that the hon. President of the Treasury Board is here. Up until recently we had over \$600 million invested in tobacco stocks. It's going to be rather hard for us to sue a tobacco company while still maintaining their stocks. As I say, that is a concern.

Mr. Speaker, I know that there are other members of my caucus who would like to participate further in debate, so if I may, I would like to adjourn debate on Bill 48 at this point.

[Motion to adjourn debate carried]

### Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

**The Chair:** The chair shall now call the Committee of the Whole to order.

#### Bill 31

#### Rules of Court Statutes Amendment Act, 2009

**The Chair:** Are there any comments, questions, or amendments to be offered? The hon. Member for Calgary-Egmont.

**Mr. Denis:** Thank you very much, Mr. Chair. It's my pleasure to rise today in Committee of the Whole to speak to Bill 31, the Rules of Court Statutes Amendment Act, 2009. I recall that earlier in this year we had a bit of debate. I wanted to take the opportunity to thank everybody who has been united in support of this bill.

As I mentioned, the *Rules of Court* are currently going through some major revisions. These rules, which have not been comprehensively upgraded since 1968, govern the practice and procedure of the Court of Queen's Bench and the Court of Appeal in Alberta. Many may ask why we need major revisions. I've gone through these rules several times throughout my past career. I remember that there are rules such as rule 16.1(1) being for facsimile service of documents. Way back when, apparently, there were no fax machines. It's really important that we take a look at these rules and actually go through them every generation or so. Alberta Justice has been working with the Alberta Law Reform Institute, ALRI, the Rules of Court Committee, and other stakeholders to simplify, update, and implement the *Rules of Court*.

Mr. Chair, the House amendments being introduced today will implement recommendations made after Bill 31 was introduced and are necessary to make provisions in the statutes consistent with the terminology and procedures used in the new rules. Implementing

the new rules requires consequential amendments to many statutes in order to reflect the different procedures and terminology used in the new rules. I'll give you an example. Under the new rules it would not be necessary to specify in an act the kind of application being made to the court. As a result, you'd see phrases in acts such as application by notice of motion, application by originating notice, or many lawyers would refer to it as application by originating notice of motion. This is all being simplified and sent into one, quote, application.

Mr. Chair, terminology will also be updated and be more comprehensive. For example, if an act states that a person may be examined on their affidavit, the word "examined" will be replaced by "questioned."

**The Chair:** Do you have an amendment?

**Mr. Denis:** At the end, yes.

Another important feature of this bill is that it limits the number of years a nonjudicial member can serve on the Rules of Court Committee and limits the number of times they can be reappointed. This will encourage a balance between the renewal and experience on the committee, which makes recommendations to the minister on the amendments to the *Rules of Court*.

Mr. Chair, the bill will also relocate provisions relating to the enforcement of money judgments from the *Rules of Court* to the Civil Enforcement Act, the end result being that all substantive provisions relating to the enforcement of money judgments will be located in the Civil Enforcement Act and the accompanying regulation.

This bill will also make housekeeping and other consequential amendments to various statutes and add new rules.

Again, this is important legislation for Albertans. The new *Rules of Court* will contribute to a fair, accessible, timely, and cost-effective civil justice system, which will ultimately increase access to justice for Albertans.

Thank you very much, Mr. Chair. Those are my comments.

**The Chair:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. I can't imagine anyone being opposed to reforming the *Alberta Rules of Court* in order to make the litigation process as fair, timely, and cost-effective as possible. I want to point out that I tried to move a motion to accomplish a similar action as Bill 31 puts forward. That was a motion that was accepted unanimously in this House, and that was Motion 511, calling for a unified family court. It was amended to call for a unified family court process.

I have gone to court to understand better the family law process. While the Family Law Amendment Act attempted to speed up the legal process, I have yet to see in the number of individuals who have come into my office, because I am the critic for Children and Youth Services, anything in terms of speed, efficiency, cost-effectiveness, or in the case of children and youth the whole notion of the best interests of the child.

4:30

Possibly Bill 31 will have overreaching ramifications toward justice for children and their families, but I haven't seen it happening. I have concerns that families are being separated from their children. I have concerns that advocates, lawyers who are representing families wishing to be reunited with their children, are prevented from in a timely manner producing evidence and argument that would support their claim for reuniting their family.

A concern I have as well was brought to my attention on October 5 by lawyers who work for children and for families who have had the misfortune of having their children apprehended, who pointed out to me that when a person is alleged to have committed an offence, that offence remains as part of their record although it has been proven in court that the allegations were false. The speedy resolution of a court case should indicate that when a person is falsely charged and proven to be innocent, then there should be a mechanism within the court statutes to erase any evidence of a false allegation rather than having this false allegation follow the individual for the rest of their life and interfere with their seeking a job or the reunite of their children within their families.

If Bill 31 can accomplish what it's intended to do and, as I say, have implications or set precedents for how the justice system works for children and their families, then I'll not only support it; I'll stand up and cheer. As I say, the Family Law Amendment Act didn't accomplish what it was intended to do. We have Court of Queen's Bench, for example, dealing with divorce, and just about every other issue that involves a child is dealt with at the provincial court. I would urge, in terms of creating legislation, moving towards that unified family court process because I believe that what Bill 31 is all about has the same reasoning as to why we, like so many other provinces, need to have a unified family court. It's been established for years in other provinces, and I believe it would lead to a considerably quicker and better resolution of the best interests of the child if this were to be realized in Alberta.

I'm in support of Bill 31. I come at it from an outside observer who has become very involved with trying to champion not only what is in the best interests of the child but what is in the best interests of the child and their families.

Thank you, Mr. Chair.

**The Chair:** The hon. Member for Calgary-Egmont.

**Mr. Denis:** Thank you very much, Mr. Chair. At this time I'd like to move a government amendment to Bill 31, which I will pass to the page.

**The Chair:** We'll take a few moments while the pages pass out the amendment. Hon. members, this amendment shall be known as amendment A1.

The hon. Member for Calgary-Egmont on amendment A1.

**Mr. Denis:** I think I made most of my comments earlier, Mr. Chair. Thank you.

**The Chair:** Does any other hon. member wish to speak on amendment A1?

Seeing none, the chair shall now put the question on amendment A1.

[Motion on amendment A1 carried]

**The Chair:** We shall now get back to Bill 31 with the amendment. Any hon. member wish to speak on Bill 31?

Seeing none, the chair shall now call the question on Bill 31.

**Mr. Hehr:** Are you talking about the amendment or the bill?

**Mr. Liepert:** The bill.

**The Chair:** On the bill. We already passed the amendment.

The hon. Member for Calgary-Buffalo on Bill 31 as amended.

**Mr. Hehr:** Thank you very much, Mr. Chair, for your patience and willingness to put up with, I guess, my inability to hear you three times say that we were going back to discussing the bill. I thank the hon. minister of health for reminding me in the very calm and succinct manner that he is known for. He let me know that, and I thank him.

Just some brief comments on Bill 31, the Rules of Court Statutes Amendment Act, 2009. It is a bill that is very long overdue, one that has probably had many people in the legal community singing this government's praises in that it is finally seeing some changes to it. As indicated, the *Rules of Court* had been in practice or stayed exactly the same since 1968. No doubt, I have heard from legal practitioners that many of the changes that they have heard about and, in fact, have looked at since the government introduced these bills are going to be welcome additions for the legal community.

I do note that this bill was worked on quite extensively by many members of the legal community under the rules of court project, that was in existence probably for five or six years, that diligently looked over the entire *Rules of Court*, which is a large, voluminous book with many different sections and many different principles at play, yet they sat down and went to meeting after meeting, long day after long day for many years and came up with rules of court that will no doubt allow for lawyers and practitioners alike to more easily practise their trade. It will also allow things to happen in a more timely and efficient manner.

4:40

Some of the outcomes of this bill are the codification of the rules using a plain-language approach to law and legal terminology. This will also help those self-represented litigants who find themselves in our legal system. This principle will no doubt ease their transition when a lawyer opposite or a judge references a rule or a regulation in the *Rules of Court*. They will at least be able to understand it. There will also be a major effort to ensure that the rules and their application are isolated from items that are more appropriately addressed in the Judicature Act or the Court of Queen's Bench Act or other acts. This bill ceases to consolidate rule-making powers in the Judicature Act, as I mentioned, as presently there are several acts that provide sufficient authority or contain rule-making power.

Another thing that is now present in the new rules is that the rules will no longer have taxing officers as this has been removed from the act and substituted with the term "review officer" or "assessment officer," which again looks to more plain language. It also codifies the powers and responsibilities associated with the enforcement of money judgment in the rules.

It also makes mandatory that parties to any litigation seek alternative dispute resolution before they're able to obtain a trial date. I believe this is a very good step that will save those people involved in litigation a great many costs, as the most significant costs incurred in a legal suit, of course, are in the trial phase, where both lawyers are present for long and arduous days in front of a judge. If these things can be avoided by going to alternative dispute resolution, well, then, that's a great thing. Making it mandatory may allow for some situations where cooler heads can prevail and a settlement reached before it hits the courtroom floor.

The changes also incorporate some modifications to the workings of the rules committee, specifically concerning employment for nonjudicial members of the committee. The effects of the new rules will be to limit the sitting times for the three nonjudicial members and limit their reappointment to one extra term.

These again, like I said, are welcome changes that the legal community will no doubt be very happy with.

In conclusion, Mr. Chair, I would like to again thank all of the

people involved in the rules of court project for their long and diligent process in revising the *Rules of Court*, which could not have been an easy task. It could not have been easy to agree on all the many changes and amendments that were proposed therein. I would in particular like to make note of a friend of mine, Ms Hilary Stout, with whom I had the pleasure of practising law at Fraser Milner Casgrain some years ago. I believe she is currently practising at a firm in Calgary. I have the pleasure of running into her about the fourth or fifth day of the Calgary Stampede every summer, when the lawyers and the Calgary Bar Association have their Stampede party.

**Mr. Denis:** I was there.

**Mr. Hehr:** Yes, hon. Member for Calgary-Egmont, I did spot your presence there. I believe the hon. Minister of Justice was also there. We were there discussing the law with people and how our court system could be done better. Most people would not associate that with the Calgary Stampede. But, I tell you, at that one tent on that one afternoon much of that was being discussed on a hot summer day.

Anyway, thank you very much for giving me the time to speak to this in Committee of the Whole phase. Thank you.

**The Chair:** The hon. Member for Calgary-Varsity on Bill 31 as amended.

**Mr. Chase:** Thank you. Speaking to Bill 31 as amended. When I first rose, I indicated my support for what Bill 31 purports to do in terms of improving the litigation process in terms of making it more fair, timely, and cost-effective.

I, again, want to bring up a circumstance that arose after meeting with the trial lawyers' association for youth and families. We are very aware of Justice Côté's concerns and contempt of court charges that were filed against an employee of Children and Youth Services, Director Ouellet. Now, Director Ouellet prevented a child being returned to the foster parent for over six months. You'd think that when Justice Côté laid out his concerns over Children and Youth Services defying his recommendations and not returning the child to the foster parent, that would have been the end of it. Unfortunately, Mr. Chair, that wasn't the end of it, and Children and Youth Services continued to appeal the process, to put all kinds of legal impediments in front of that child being returned to the foster parent, who had looked after that child very well, as the justice noted, for the larger number of years of that young child's life.

When that child was returned to the foster parent, the foster parent had none of the rights of a parent reinstated to her. The child was returned in a disheveled, dirty state. The foster parent had no ability to advocate on behalf of the child, to seek medical assistance should the child need assistance. So the lawyer had to go back to court again to gain that small but critical right that a parent has to seek medical services for their child.

Although Justice Côté slammed Director Ouellet and, in slamming Director Ouellet, slammed the way in which Children and Youth Services dealt with this particular case, the case continues to be appealed by Children and Youth Services, making the day-to-day life of that mother hell and compromising what is, and I quote, in the best interests of the child.

If Bill 31 can address these issues, where because a court judgment does not go in favour of a government ministry, the ministry puts every legal blockade in its quiver of opportunities to prevent justice and the best interests of the child happening, then, again, I'll be a large cheerleader for Bill 31.

4:50

When Justice Côté brought out the contempt of court, I had hoped that he had basically fired a rifle into the air that would warn all front-line individuals about following the dictates of a justice when it comes to contact with a child. So many people have come into my office and said that the social worker defied a court order to provide timely access that was given by a judge, where they did not have the child available for a family member or directly interested party at the time which was ordered by the judge, or they basically threatened the parent with further handcuffing circumstances if the parent objected to their ignoring of the court order for access. Again, whatever will help get rid of the convoluted chaos that so many parents and grandparents and children are caught up in within the legal system.

I applaud the member for bringing this bill ahead, and I wish it full speed, and I'll throw in Godspeed.

**The Chair:** Hon. members on Bill 31 as amended?

Seeing none, the chair shall now call the question.

[The clauses of Bill 31 as amended agreed to]

[Title and preamble agreed to]

**The Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

#### Bill 49

#### Municipal Government Amendment Act, 2009 (No. 2)

**The Chair:** The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thanks, Mr. Chairman. I caught a bit of the debate earlier on this particular piece of legislation, and I wanted to get on the record with this because there are a number of my constituents that will be affected, all of my constituents in a way, I suppose, because they all have fire coverage. A number of them specifically are firefighters, and there are a handful of those sorts of facilities as well as police stations in my constituency, so I wanted to make sure that this bill successfully passed through the Legislature. It seems like a pretty obvious thing we should be doing, an important gesture to make to the people who stand on guard for us every day as firefighters and police officers and others.

The effect of the bill will be to protect members of fire service organizations from liability of actions that they are performing in their duties, assuming they are performing them in good faith, and I think we would all agree that's a good thing. We don't want our firefighters racing off to a fire having in the back of their minds that, gee, they're going to be up for a risk of a liability suit of some kind should they cause some damage or injury in the course of pursuing their job. It's a bit surprising to most Albertans, I think, that in fact that is how things stand, that fire services as corporate entities and sometimes firefighters as individuals can be named in lawsuits by insurance companies in particular if the insurance company feels it can squeeze an extra dollar out of that sort of process.

I think everybody in this Assembly and probably just about everybody in Alberta, outside of the property insurance industry, understands that we want a fair situation for our firefighters. We want to treat them with respect because, after all, we are asking an awful lot from them. We're asking them to commit their time and

energy and put their health and occasionally their lives at risk. We don't need them to also be putting their financial situations at risk as well, and we don't need our municipal governments or volunteer firefighters at risk either. They need all the resources they have to make sure their equipment is brought up to date and that their training is adequate, not to be out there fighting lawsuits from insurance companies and paying settlements.

I think it's worth noting in here, Mr. Chairman, that there is a fair bit of evidence and concern that the state of equipment and training that firefighters have in Alberta and in Canada needs some attention, that a lot of equipment, particularly in volunteer firefighting forces, is out of date and is rapidly getting further behind date and that a lot of the people who are involved and committing their time out of personal time as volunteers need their training to be constantly upgraded. So I'd much rather that the efforts of our fire chiefs and our local councils and our firefighters and everybody else involved was focused not on issues of liability but on issues of training and equipment and quality of service.

I think this piece of legislation will help achieve that, Mr. Chairman, so I'm glad to see it brought forward. I would hope that we might see further legislation in this same spirit brought forward in the future addressing other related issues such as liability risk for firefighters or police officers at automobile crashes, which I don't believe is adequately addressed even in this legislation. I'm pleased to support this bill. I think it's likely to go through the Assembly quite cleanly, judging from the comments of others, and I think that it'll be a better Alberta because of the work we're doing on this.

Thank you.

**The Chair:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. The hon. mover of this bill will not be accustomed to the praise I am about to pass on to him, and he may require the services of the fire department to resuscitate him. Hon. member for Edmonton-Castle Downs, you are following in the hallowed fire halls of a predecessor, Richard Magnus. Firemen are extremely grateful for the legislation that your predecessor has brought into this House in terms of recognition of job hazards and a series of cancers. Richard Magnus, the former MLA for Calgary-North Hill, also brought in the Traffic Safety Amendment Act, which recognized the potential dangers for not only firemen but also for police officers and a variety of public service individuals and the dangers they face on the highways.

My best man 40 years ago at my wedding was a firefighter. His name is Rob Tomlinson. Rob recently retired from the Calgary fire department as a captain. In discussions that I had with Rob, he talked about some of the dangers that he faced. One particular circumstance that came to mind was a fire in a restaurant. There were so many false walls because of all the renovations that had taken place that trying to put out that fire was next to impossible. He talked very graphically about the phones literally melting and running off the wall. So protection of our firefighters and allowing them to get on with their work without fear of litigation is absolutely important.

5:00

A point I would like to make with regard to my support for Bill 49 is the need for firefighters who suffer from posttraumatic stress to have their concerns taken seriously by the Workers' Compensation Board. I have had an individual come into my office who lost his family, lost his home, lost every possession he had, and was living out of his car because the Workers' Compensation Board was not recognizing his posttraumatic stress. Well, thanks to the Alberta

Ombudsman, who intervened on his behalf, things have changed. He hasn't got back his family, he hasn't got back his house, but he's got back to a large extent his sense of dignity, which was taken away from him when he was released from the Calgary Fire Department.

In a recent meeting with WCB I asked if they had any statistics on front-line individuals like firemen or policemen whose cases in the WCB of posttraumatic stress were closed because of suicide, and they indicated they had no such statistics.

We have to recognize the valuable job that these front-line workers do intervening, risking their lives for our well-being. Bill 49 takes us that much closer to recognizing the worth of not only the firefighter who is fortunate to be employed by a city but all of those volunteer firefighters in rural communities throughout Alberta who every time they leave the station have the possibility of confronting unknown dangers and who lay their lives on the line for our betterment.

In summation, I thank the hon. Member for Edmonton-Castle Downs for bringing forward Bill 49. I'm pleased to see that his heart has not created such palpitations, that he's not under stress that would require a firefighter to intervene for his personal well-being. But he knows they would be there.

Thank you.

**The Chair:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much, Mr. Chair. I'd just like to speak briefly on this issue as many members have canvassed a number of things, which I will as well. This legislation is good legislation. I, like the Member for Calgary-Varsity, would like to congratulate its mover, the MLA for Edmonton-Castle Downs, who has brought this forward. It's good legislation.

What it does is allow for our firefighters, whether they're employed with a firefighting organization or whether they're volunteer firefighters, to be protected from lawsuits as long as they're doing the good work associated with their responsibilities as firemen. This seems like a reasonable thing for us to be doing. People who are involved in these types of professions should not be subject to lawsuits because of the nature of their job. This is probably legislation that's been somewhat overdue. I'm glad to see that we have moved that and given recognition to the firefighters and the protection they need. Let's face it; it goes without saying that firefighters do honourable and capable work on behalf of all Albertans, and we are in gratitude for the work that they do on a daily basis.

I think the hon. Member for Edmonton-Riverview was also correct to point out that this type of legislation should also be extended to other incidents for firefighters, perhaps when they're investigating motor vehicle accidents, or when police officers are trying to assist people who have been involved in motor vehicle accidents. This seems like a logical extension of this type of reasoning that should go forward in those instances, and I would encourage possibly the Member for Edmonton-Castle Downs to bring forward this type of legislation in the near future as well.

Just as a side note, it looks like lawsuits have been launched in the neighbourhood of \$60 million against firefighters with regard to some of their work, so there's no doubt that this type of legislation is necessary. I'm glad we have brought it forward at this time.

I have nothing else to say on this. I appreciate the time given to me to speak to this very commendable legislation. Thank you very much.

**The Chair:** The hon. Member for Calgary-Currie.

**Mr. Taylor:** Thank you, Mr. Chairman. Very, very briefly, just to get it on the record, because the Member for Edmonton-Castle Downs and I had a conversation outside the House about this, if I could just refer back to a point that I made during second reading debate on Bill 49 on the question of subsection (2) of this bill not applying in the case of an accident involving a motor vehicle. I believe I said something at the time to the effect that it would seem rather uncontroversial to extend it to motor vehicle accidents because the actions of a firefighter can have considerable consequences for the occupants of a badly damaged car. I was thinking at the time in terms of the things that firefighters do when they respond to a car accident: everything from extricating an accident victim from a badly damaged car to providing advanced life support to providing first-responder first aid in very many cases.

What I would like to do, Mr. Chairman, is just give the Member for Edmonton-Castle Downs the opportunity for clarification on that point because I think I was reading it wrong, and there may be others in the House that were reading it wrong. I think he can clarify this. Once he does, I'll be quite happy to support this bill.

**Mr. Lukaszuk:** Well, first of all, Mr. Chairman, I would like to thank all members of the opposition for fully endorsing the bill. As far as I can tell, based on the speeches, we can perhaps anticipate unanimous support for this piece of legislation, which makes me feel really good.

With respect to the Member for Calgary-Varsity I don't know what to say. You know, when opposition supports my bill, I'm thinking: hmm, maybe I'm doing something wrong. But when he so overtly supports my bill, I'm thinking: "I'm missing something here. There's something in there. I'm definitely doing something wrong." Maybe we'll figure it out later, but in all sincerity I thank all of you for supporting it.

You brought up a name that is well known to many of us here in this Chamber, and that's one of our past members, Mr. Richard Magnus. Indeed, he deserves a large part of the credit for this legislation being on the floor and for many other pieces before because he has, in a sense, as a legislator adopted firefighters in this province and has recognized some of the needs they have and has managed to pass them into legislation. I would want the record to show that, indeed, he has sensitized me to the issues of not only firefighters but all emergency responders, including police. Since I have nothing but respect and admiration for these particular civil servants, I'm sort of picking up the torch and taking it from him. So thank you.

There were comments made relative to the equipment and training of our firefighters. This is not the forum to argue it, but I spend a great deal of time with firefighters, and they tell me that, actually, some of the equipment that is being made available to them in Alberta is some of the best available anywhere else in the world. They were recently showcasing to me heat-sensitive cameras that are now readily available to firefighters. When they go in darkness and smoke into a fire, they can see, almost like in daylight, everything that happens before them. These cameras cost, I understand, some \$35,000 a unit, and every fire station has several of them. In some jurisdictions in Canada and the United States none are available. Is there room for improvement? Probably. But I think we're doing quite well both with equipment and training.

5:10

Now, training is very important because when these firefighters arrive at the scene of a fire, very often they rely on their instinct. There isn't time to sit down and plan things out. They are trained, and their instincts are trained. Their instincts most often, if not

always, are right. They just instinctually do the right things, so training is very important here. That's where the good faith part comes in. You know, when firefighters arrive at a scene – and it doesn't have to be a fire; we're focusing on fires here, but it could be a car accident because usually they are the first responders – they act in good faith. That means they act based on their training. They don't reserve any effort or any equipment or any resources to accomplish the job that has been given to them, and they definitely don't put themselves before the needs of the victim or the task that is at hand. That, in my mind, is good faith.

If we're to encapsulate the meaning of this bill, if one ever needs to interpret it from *Hansard* for the purposes of some judicial reviews or judges' considerations, the purpose of this bill is simple. From the moment the bell rings in the fire station and the firefighters take off in their vehicle to the moment they return back to the fire station, as long as they acted in good faith, they ought not to be subject to any litigation for negligence.

Now, there is one exception, and a member of the opposition, Calgary-Currie, identified that perhaps the wording is ambiguous, so it's important that we put it in *Hansard* as well for the purposes of interpretation. Subsection (3), that he referred to, refers to a motor vehicle accident in the event that firefighters while travelling in their own motor vehicles were in a car accident. Obviously, that would be subject to tort litigation, and if they were, indeed, liable according to the motor vehicle act, then other insurance policies would be involved. It does not pertain to them extracting victims or attending to a car accident as first responders.

Mr. Chairman, I thank everybody for supporting this bill. I think there is something – I'm not sure what term to use – distasteful about suing firefighters or any emergency first responders when they do what they do for us. I don't imagine most of us in this Chamber can imagine the risk that they take from day to day. For someone or some entity to then litigate against them simply for financial gain – because there's no other gain from it – is distasteful, to say the least.

At the same time credit has to be given to insurance companies. As I indicated earlier in second reading, the Insurance Bureau of Canada has actually endorsed this piece of legislation, and they have actually provided their resources in the drafting of this legislation. So insurers that are under the umbrella of the Insurance Bureau of Canada, which we know are not all because the Insurance Bureau of Canada doesn't represent all the insurance companies in Alberta and in Canada, have endorsed it. They saw the wisdom of this particular legislation.

Now we have the support of municipalities, we have the support of firefighters, we have the support of the insurance industry, and I hope to gain the support of you, members of this Legislature. Once we pass it, not only will it result in the benefit of not having firefighters in front of judges and/or lawyers in examinations for discovery, but it will also result in a financial gain. As I indicated earlier, there's about \$35 million right now in Edmonton and I imagine some more in Calgary and it's fair to assume that outside of Edmonton and Calgary the numbers would be probably equal. So it's a win-win-win for everybody in Alberta.

I thank you, Mr. Chairman. Unless anybody else wishes to speak to this bill – there is, I see – I would otherwise ask for a vote.

**The Chair:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. I did not complete my comments with regard to firefighters and posttraumatic stress, and I want to pass on a concern that I have about front-line workers in Alberta, whether they be firemen as this bill deals with, whether they be municipal police, RCMP, or so on. We don't have a program that

deals specifically with front-line-worker posttraumatic stress within this province. The federal government has a support program – in fact, it operates out of the Calgary-Varsity constituency – where support is provided to military service personnel coming back from a circumstance that caused them to have posttraumatic stress. To a degree it works for federally employed RCMP, but for police officers, firefighters, EMS who witness horrific circumstances that can terribly undermine their psyche and their mental well-being, we don't have programs to provide them with the psychological assistance provincially that is the equivalent of the federal program.

As I stand to support Bill 49 and recognizing that we're relieving firefighters of a potential part of their stress – that is, concentrating strictly on the rescue and the fighting of fires – I want to fight for those firefighters and for police officers, whether they be municipal or whether they be sheriffs or whether they be RCMP, to have the opportunity to receive the psychological support provincially that is being provided federally.

Thank you very much, Mr. Chair.

**The Chair:** Any other hon. member wish to speak on the bill?  
Seeing none, the chair shall now call the question on Bill 49.

[The clauses of Bill 49 agreed to]

[Title and preamble agreed to]

**The Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

#### Bill 46

#### Gunshot and Stab Wound Mandatory Disclosure Act

**The Chair:** Are there any comments, questions, discussion? The hon. Member for Strathcona.

**Mr. Quest:** Thank you, Mr. Chair. I'm pleased to provide the committee with information about Bill 46, the Gunshot and Stab Wound Mandatory Disclosure Act. This legislation is about the safety of Albertans. Gunshot and stab wounds pose a public safety concern, and this bill identifies and addresses this important matter. Reporting gunshot and stab wounds to police allows them to go to the scene to protect the public from possible escalation of violence or retaliatory measures. Likewise, police can protect the public in cases where the perpetrator returns to the scene or to the victim.

Bill 46 also gives health practitioners the clarity they've asked for regarding when disclosure of information is required and what information they should provide to police when individuals are treated for gunshot or stab wounds. Currently under the Health Information Act health care practitioners, including physicians, nurses, and paramedics, have the discretion to report gunshot or knife wounds in limited circumstances, but they're not required to do so.

Back in 2004 an all-party committee reviewed the Health Information Act and recommended that Alberta consider stand-alone legislation to clarify circumstances under which health care practitioners should disclose such information to police. Hundreds of stakeholders, including health agencies, emergency responders, and the College of Physicians and Surgeons, were involved in those consultations. As a result of those consultations the act is a good balance between a patient's right to privacy of health information

and law enforcement's need for investigative information with respect to public safety. Police would only be provided with limited information; that is, the patient's name, location of the health facility, and the type of wound, not the health details. Police are then bound by privacy legislation that clearly details how they must handle information they receive during their duties.

Bill 46 clearly lays out what's expected of health care professionals. It defines what type of health facilities will be required to report. The legislation also describes what constitutes a stab wound. For example, in cases where a health care facility or an EMT believes a stab wound to be self-inflicted or unintentionally inflicted, as raised by the Member for Calgary-Varsity in second, there would be no need to report. This would also prevent stigmatizing or criminalizing mentally ill persons and eliminate unnecessary reporting for those who have accidentally cut themselves.

5:20

Mr. Chairman, this bill provides liability protection for health care professionals while ensuring there is no undue burden created for them. There is no extra paperwork as disclosures are to be made orally and only after it's reasonably possible to do so without interfering with the patient's treatment.

During second reading there was some concern raised that health care professionals would be doing police work. Just to reiterate: name, location of the facility, and type of wound. That's it. Other provinces have similar legislation, including Ontario, Saskatchewan, Nova Scotia, Manitoba, and it's working well in those jurisdictions. There have been no constitutional challenges and no reports of people being afraid to seek treatment in those provinces.

Mr. Chairman, Albertans deserve to live, work, and raise their families in safe and secure communities. This legislation is another step towards that goal.

Thank you.

**The Chair:** Any hon. member wish to speak on Bill 46? The hon. Member for Edmonton-Riverview.

**Dr. Taft:** All right. Thank you, Mr. Chairman. I appreciated the comments from the Member for Strathcona. The background of this bill is actually very interesting. It does raise some kind of serious ethical questions that do need to be treated with care because we over and over are at a phase in our society where we're compromising confidentiality. We're intruding into things like doctor-patient relationships, and there's an incremental effect to this. We take these things along in little steps, and each little step of the way seems sensible in its own right, but when you add them all up, you realize that something bigger is unfolding here, that a larger trend is under way. I think it's that larger trend we need to be alert to.

For example, there are legal requirements for physicians to report suspected cases of child abuse. Now, who's going to argue with that? It seems like a sensible step to take although it does compromise the patient-physician relationship. Now we're looking at another compromise in that relationship, which would be mandatory reporting under some circumstances of information where there is a gunshot wound involved. I suspect that the public doesn't have very much trouble with this legislation, and I think that there are sufficient safeguards in place here that when the chips are down, I'm not going to have trouble with it either and that as a caucus, you know, we'll follow the lead of our esteemed critic in this area, the Member for Calgary-Buffer. I don't want to speak for him, but I think that we'll probably end up supporting this piece of legislation.

I'm not convinced it's going to have a lot of impact on crime rates. I don't think we're going to see a dramatic increase in the

percentage of serious crimes that are solved. The information I have is that the majority of gunshot wounds are actually self-inflicted or accidentally inflicted. In the matter of self-inflicted what we really need isn't police work but psychiatric treatment, most likely, and in the second case, accidental wounds, we probably need better gun training and maybe even stricter gun control. Who's to say? But that, thankfully, is a debate for another time.

Mr. Chairman, I've read some of the background on this. I've read – you know what? – an interesting column by a columnist for the *Edmonton Journal*, Paula Simons. She takes issue with the bill. There's been some interesting analysis done in the *Canadian Medical Association Journal* and more widely. I think that when all is said and done, if we proceed prudently, this is a bill that from time to time is going to make police work easier and more successful, and after all I think that's a good idea.

I would like to move adjournment of debate on this bill. Thank you.

[Motion to adjourn debate carried]

**The Chair:** Shall progress on Bill 46 be reported when the committee rises? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you, Mr. Chairman. I would move that the committee now rise and report Bill 31, the Rules of Court Statutes Amendment Act, 2009, and Bill 49, the Municipal Government Amendment Act, 2009 (No. 2), along with progress on Bill 46, Gunshot and Stab Wound Mandatory Disclosure Act.

[Motion carried]

[The Deputy Speaker in the chair]

**The Deputy Speaker:** The hon. Member for Lethbridge-West.

**Mr. Weadick:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 49. The committee reports the following bill with some amendments: Bill 31. The committee reports progress on the following bill: Bill 46. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

**The Deputy Speaker:** Does the Assembly concur in the report?

**Hon. Members:** Concur.

**The Deputy Speaker:** Opposed? So ordered.

### Government Motions

**The Deputy Speaker:** The hon. Member for Calgary-Nose Hill.

### Alberta Capital Bonds

16. Ms Evans moved:

Be it resolved that the Assembly approve in general the issue of Alberta capital bonds by the government in support of the development of public infrastructure projects and facilities.

[Debate adjourned October 29: Dr. Brown speaking]

**Dr. Brown:** Thank you, Mr. Speaker. I was commencing some remarks last Thursday, and I will continue with the remarks that I'd intended to give at that time. As I said, Alberta is simply one part of Canada, and Canada is part of an increasingly global world economy. In view of the global economic recession, we have experienced low commodity prices, and our province certainly hasn't been immune to the effects of the recession. Make no mistake about it, governments, no matter how large or how responsive they may be, cannot by themselves control the world-wide economy. However, Albertans can be assured that their government has taken action and will continue to take action to address the financial situation and the needs of Albertans.

The government, led by our Premier, has a plan for the future, and our plan is known as The Way Forward. It will reassure Albertans that their government understands the priorities. It includes a number of points: keeping an eye on spending, using savings to fund critical programs, maintaining low taxes and the business environment, making sure that we're globally competitive, and making sure that infrastructure spending is maintained to encourage jobs and prepare Alberta for the future. Unlike other parties, who rigidly state that they would never allow a deficit, our plan will keep Alberta moving forward by maintaining essential social programs, including health care, education, and help for seniors, disabled persons, and the less fortunate. At the same time it would limit our spending so that we can balance our budget within three years. Mr. Speaker, this is the fiscally responsible way forward.

5:30

One of the most important measures of fiscal responsibility is getting value for taxpayer money. Today, Mr. Speaker, building infrastructure projects provides value for money to an extent that we have not seen in a number of years. Costs for construction projects in Alberta are more competitive and up to 35 per cent less than what had been projected just a year ago. Alberta capital bonds would provide an investment in infrastructure projects that are a priority to Albertans. That is why building infrastructure is a central component of our government's plan, but it is also important to be fiscally responsible in the way that government finances infrastructure projects.

Mr. Speaker, let me iterate a few of the economic benefits which would accrue to investors in Alberta capital bonds and to their province. First of all, these bonds will be backed by the resources of Alberta and Alberta's triple-A credit rating. This credit rating has been earned because of the sound financial management of this Progressive Conservative government. Alberta capital bonds would be among the safest investments in the world. With no net debt, billions in savings, and among the brightest economic forecasts in the world, it has been globally recognized that Alberta is a model for fiscal responsibility. In addition, our low tax regime has made it known world-wide that Alberta is among the best places to invest now and in the future.

Secondly, Alberta bonds would encourage Albertans to save. Albertans and people across North America in recent years have been saving less and spending more. In fact, easy credit policies meant that many consumers overextended themselves and didn't save at all. That was part of the responsibility for the downturn in the economy. Purchasing Alberta capital bonds, with their security and knowing that they will support important public projects, will be an effective method for Albertans to save for the future. The bonds would encourage Albertans to keep their investment money right here in Alberta, where it would be used to benefit Albertans. By keeping money in this province and through the construction of funded capital projects, these bonds will act as an effective economic driver.

Perhaps the most compelling arguments in favour of issuing capital bonds are job creation and building Alberta infrastructure which will support future economic growth. In my view it would be simplistic and economically irresponsible to step on the brakes and stop building capital projects because of a decline in resource revenues. In Alberta we have a pool of highly qualified tradespeople, and by continuing to invest in infrastructure, we will keep those qualified workers here in Alberta and keep Albertans working. The funds from these bonds will become available for public projects immediately, helping with our economic recovery. The funds will create jobs in the construction, engineering, natural resource, and other sectors that are involved in building schools, roads, health care facilities, seniors' facilities, and other infrastructure priorities. Mr. Speaker, Merit Contractors, Canada's largest open shop construction association, has commended this government for their long-term and strategic approach to capital spending. They believe that this alternative financing method will help deal with the backlog of infrastructure projects that have developed during Alberta's rapid growth.

In conclusion, Mr. Speaker, our Progressive Conservative government has a plan, and this motion for Alberta capital bonds clearly fits into The Way Forward. It is the right plan and the fiscally responsible plan. If we stick to it, we will recover from our economic challenges better than ever. Over the past decade the population of Alberta has grown by 20 per cent, a tribute to the sound policies brought in by your PC government. We expect that Alberta will continue to attract people to move here from other provinces and other countries. With our government's plan we will have infrastructure in place ready for the thousands of people projected to make Alberta their home over the next decade. We will have the schools in place to educate their children, and we will have the hospitals and seniors' care facilities in place when they are needed.

This plan will work, and through initiatives like these and with the impetus of Alberta capital bonds I am confident and optimistic about Alberta's future. I thank the government for introducing this motion, and I urge all members to give it their support.

**The Deputy Speaker:** The hon. Member for Battle River-Wainwright.

**Mr. Griffiths:** Thank you, Mr. Speaker. You know, I've heard quite a bit of discussion over this motion that talks about how much the interest rate should be and how the bonds should be issued. Quite frankly, I'm not the financial expert that can best decide how that works, so I'm rather indifferent to the way the operation sets up. To me the most important principle we have here is the bonds themselves and the fact that Albertans can buy into Alberta's future.

I'm going to start off by making it very clear to everyone here and anybody who might be listening that I hate debt. I abhor debt for the provincial government, absolutely. When we eliminated the debt and we had surplus dollars, I wasn't even a very big fan of the \$400 cheques that went out to Albertans sort of as a dividend to Albertans. Quite frankly, rather than see a cheque go out, we could have issued bonds then. Albertans could have bought bonds from the Alberta government and earned interest on that.

The reason why, Mr. Speaker, is that Alberta is owned by Albertans. It's ours. It's not as though Alberta itself is a separate entity, and Albertans just participate in the greatness of Alberta. They own it. It's theirs. They own the schools and the hospitals and the roads. They own the trees and the forest and the oil. It's theirs. That's because in the last hundred years it has been built by Albertans, by people who moved here a hundred years ago from far-

off lands, came here with a sense of adventure and actually built this province out of absolutely nothing. You know the old image of the settlers coming here and building houses out of timber raw off the land. They owned the Alberta that they built, and we still own it today. I think that by issuing bonds, it's an opportunity to help still give the notion to people or maybe reinvigorate the notion for Albertans that they own Alberta. They own this province.

I know I'm far too young to have experienced the idea of war bonds or victory bonds, Mr. Speaker. I don't know if I have this false sense of nostalgia or where it came from. Maybe it's watching too many old movies or something. But I remember the posters about war bonds and victory bonds and the discussion that people had. They bought war bonds, which were called victory bonds, because they bought into the victory that was supposed to come during the war. It was up to them. There was this notion. Again, maybe I'm confusing it with nostalgia, but it seems to me that people of the day bought victory bonds not because they were going to get 8 per cent interest or 6 per cent interest or it was going to be a better deal than over here; they bought them because they were buying into the notion that they had to help with the victory. Maybe they weren't over fighting on the front lines and helping people in hospitals, but they were responsible if their nation was going to be victorious in war.

To me these bonds that we're talking about, the capital bonds, are like that. Maybe one of the most unfortunate things, if I was going to complain about anything to do with these bonds, is that they're called capital bonds. That's the most unsexy term you could ever come up with. It means bricks and mortar.

**Mr. Lukaszuk:** You want to call them Lukaszuk bonds? James bonds?

**Mr. Griffiths:** No, but we could call them legacy bonds or something like that that gives the notion that when Albertans are buying these bonds, they're buying into building Alberta's future, not just buying bricks and mortar that we're going to use but actually buying into the future of this province. I hope we come up with a better term. I'm not particularly keen on the James bonds. Something like legacy bonds, I think, would give the notion to Albertans that they're buying into the future of Alberta. It's their responsibility because they have ownership of this province. They don't just take whatever the government gives them or the way things operate; they're responsible for helping to build it as well.

All Albertans have a responsibility for that. I know I'm bound to get heckled a little bit because it's a Democrat in the U.S. I'm about to cite, but I finally came to understand what JFK's words meant when he said, "Ask not what your country can do for you; ask what you can do for your country."

I give a speech all over the place, and when I give the speech about how to make your community successful, I actually look the audience right in the eye, and I tell them: Albertans are spoiled. All western Canadians are spoiled. Canada, North Americans are spoiled. We seem to have this sense of entitlement that gets stronger and stronger every day. What am I going to get from the government? What am I going to get from this program? Who's going to give it to me now? Where am I going to get this from? There's always the what's in it for me factor.

5:40

Western Canada wasn't built by people who came over here and said: "What are you going to do for me? What are you going to build for me? What's in it for me?" They came over here and said: "What am I going to do to help build for the next generation and the



generation after that and the one after that?" They asked: "What can I give?"

The notion behind these bonds is not – it's irrelevant, quite frankly, whether we get 3 per cent or 5 per cent or 8 per cent or it's a better investment over here. I bet that when the majority of Albertans – hopefully it's something more like legacy bonds, not capital bonds – get the opportunity to own a piece of Alberta, it doesn't have to be a building where they say: "I own that one." Knowing that they're helping Alberta get through a tough time, the Alberta that they own, might leave them a little bit inspired to say: "Wait a second. This is my responsibility. This is something I can help contribute to." I think that does more to help build a sense of pride, a sense of nationalism, a sense of community, which sometimes I think a lot of jurisdictions around the world, sometimes ours included, lack when we get the what's in it for me mentality. It divides us and doesn't pull us together with unity.

See, I don't know if the guidelines are going to allow this or not, but I really would like the opportunity to buy some Alberta bonds for my sons so that regardless of how long they hold them, when they do cash them in, they see that they owned a piece of Alberta and they helped drive it through some tough times, that they helped create the Alberta that they're going to enjoy. The bond doesn't have to be particularly assigned to a university building that they'll attend. It doesn't matter. They own a piece of Alberta. They're contributors to Alberta. They're Albertans that own Alberta. I don't know. I just think that it would help also instill in them as they grow up a sense of ownership about the future success of this province.

You know what? The future success of this province isn't going to depend on the policies of that party or this party or that party or this government. It's going to depend on 3 and a half million Albertans that decide that this is not a big deal, this little dip in the economy. This is not going to be the end of us. This is just a new beginning, and we have incredible opportunities to fix it ourselves, as 3 and a half million Albertans, together, united. These Alberta bonds are the perfect opportunity to give ownership and responsibility to each of those Albertans.

I fully support this, and I encourage everyone in this House to do as well. Thank you, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes for comments and questions. The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much. That was an impassioned speech that not only spoke to some things in the past but looks ahead to, hopefully, our brighter days here in Alberta. Then again, as he's been in this House for quite a while, I believe since 2002 or 2003, in around there, I do have to comment on the fact that this represents some kind of a sea change in thinking for this government, or at least what was evident back there at that time when he first joined the Legislature. You might remember that there were bills passed that said that we will never go into debt again. There were laws passed saying that we won't allow this, that, nor the other thing. In fact, it was stated quite frequently in the last election by candidates, maybe some in here alike and other people. So this has been said. I thought it was an admitted fact that this government wouldn't tolerate debt.

Needless to say, there are arguments that times change, whatever. You do what you have to do when you get there. But is this a recognition of essentially an adoption of Keynesian economics by this government or a throwing of true conservative principles to the wind, an embracement of debt, which I've seen happen not only here but in other governments? I'd just like to hear the hon. member's comments on that and what he thinks about that or what I'm missing on that.

**The Deputy Speaker:** The hon. Member for Battle River-Wainwright.

**Mr. Griffiths:** Thank you, Mr. Speaker. I can't say whether it's a wholesale change. I mean, circumstances have changed, so perhaps we have to adapt our prevailing principles and policies to make sure that we account for new circumstances. But I mentioned before that to me this isn't a wholesale change, and this has nothing to do with conservative economic policies. You know, this isn't throwing them out.

I mentioned before that when we had the cheques for \$400 that went out to every single Albertan, I was diametrically opposed to them then because there's no ownership. It's just a cheque that comes to you, and great; then you go spend it. There's no ownership. Debt, borrowing from another country or another nation or something to run, especially, program spending: a very poor decision. But any time there is an opportunity for Albertans to take ownership and responsibility for the future of the province, I don't think that's a bad thing. Even when we were running large surpluses, rather than sending out those cheques, I would rather have seen Albertans be able to buy bonds and pay them interest. Then they're still investing in Alberta and reaping the rewards rather than getting a cheque.

This has never been a wholesale change for me. This is exactly what I stand for.

**The Deputy Speaker:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. I just want to commend the Member for Battle River-Wainwright. It's obvious that he's a teacher because he's dramatic, he's passionate, and he doesn't require a script. He goes from the heart and from the head, and I thank him for those teacher talents that he has brought to bear in this Assembly.

There was a degree of nostalgia brought back with regard to victory bonds. I will admit that I was born almost two years after the Second World War ended, but my recollection is that as well as victory bonds there were also ration coupons. What I am talking about is the need to balance the notion of living within our means. We have a \$16 billion buffer. Before we start going wholesale into the potential of debt as well as the potential of building with bonds, let's use that \$16 billion strategically, and let us tie the bonds to very specific projects. I agree with the notion of ownership of Albertans and having pride in this province. In order to continue to have that pride, we need to be specific in the projects we select. Obviously, public works and infrastructure such as schools and hospitals have to be key, of course, closely followed thereafter by roads, that provide our economic opportunities.

To the young member opposite: do you agree, as you began your discussion, on the importance of living within our means?

**The Deputy Speaker:** The hon. Member for Battle River-Wainwright.

**Mr. Griffiths:** Thank you, Mr. Speaker. I've always been a fiscal conservative. [Mr. Griffiths' speaking time expired] Thank you.

**The Deputy Speaker:** Any other hon. member who wishes to speak on the motion? The hon. Member for Calgary-Mackay.

**Ms Woo-Paw:** Thank you, Mr. Speaker. It is my pleasure to rise today and offer my support for the government motion to issue Alberta capital bonds. The current global recession has been a challenging time for Albertans and our government; however, even

during these challenging times our province has many good reasons to be optimistic about our future. One way that our province can further improve our position during and after the global recession is through the Alberta capital bonds. I'd just like to say that there are many benefits to purchasing Alberta capital bonds, and I believe these benefits should strictly be available to Alberta citizens and companies.

I would also like to say that as we were prepared to cope with the recession, we should continue to prepare for Alberta 20 years from now. One way of doing this is through community-based facilities. Calgary-Mackay is a relatively young community as are many other communities in our province. I think that by investing in some of our community-based facilities, we can have facilities that provide immunizations and well-child services along with speech therapy and mental health services. Many of the community health and wellness centres have translated into decreasing emergency room visits in surrounding hospitals, which increases the efficiency of services provided and decreases wait times. I think that these bonds could also be invested in supporting our education system as we need to have a well-educated and skilled workforce to meet the needs of our future economy.

5:50

I'd like to just say in conclusion that my grandparents bought government bonds. It was part of the legacy that they left to us. My grandmother just cashed them shortly before she died last year. I participated in purchasing government bonds in the '70s as a teenager new to this country with money earned from my part-time job, and this money later was used to help with my postsecondary education.

Mr. Speaker, I think that our government's motion to introduce Alberta capital bonds allows Albertans to participate in a safe investment opportunity to invest in our province and the infrastructure that will support core public services. It's just a good thing for all involved.

Thank you.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes of comments, discussion. The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. If you'll recall last week when we talked about the potential of restrictions on the use of the Alberta capital bonds and competing for projects, there seemed to be a tremendous resistance to keeping the successes or the engagement, using only Alberta companies, et cetera, in this Alberta capital bond circumstance. I would ask the hon. Member for Calgary-Mackay: if I heard you correctly, are you suggesting that only Alberta citizens and Alberta companies be permitted to purchase these Alberta bonds, or

should we be encouraging wider participation in the purchasing of these bonds? If they're sufficiently attractive to Albertans, should we not be extending the opportunities beyond this province?

**Ms Woo-Paw:** Well, my personal opinion is that, I think, in this initial round we'll focus on Albertans, and I'm certainly very open to considering citizens of Canada to participate.

**Mr. Chase:** Are there particular projects, hon. Member for Calgary-Mackay, that you would like to see prioritized in terms of the public infrastructure that's being built? Did you have a wish list of the types of construction you'd like to see done?

**Ms Woo-Paw:** I was speaking in somewhat general terms. I think that we have a growing province, and I think that what Mackay is in need of is shared by many communities across our province. I think that having community-based facilities that would meet the needs of our growing population is a good thing, and this is very much what we need as a growing province. Some of the things I mentioned are things that we need in Mackay, but I'm sure that's shared in other parts of the province as well.

**The Deputy Speaker:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. I'm trying to prompt you as the former chair of the Calgary school board to potentially declare your fondness for school construction as part of infrastructure. I don't wish to put words in your mouth, but I want to give you the opportunity to put on the record the importance of school infrastructure.

**The Deputy Speaker:** The hon. Member for Calgary-Mackay.

**Ms Woo-Paw:** Thank you for the opportunity. I think that there is a great need in our growing province for more education facilities for young people.

**The Deputy Speaker:** Does any other hon. member wish to speak on Motion 16?

The hon. Deputy Government House Leader.

**Mr. Zwodzesky:** Thank you, Mr. Speaker. It's been another invigorating day of debate and great progress. On that note, since it is nearing 6 o'clock, I would move that we in fact do call it 6 o'clock and that the House stand adjourned until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 5:55 p.m. to Wednesday at 1:30 p.m.]







## Table of Contents

Introduction of Guests .....	1689
Members' Statements	
20th Anniversary of the Fall of the Berlin Wall .....	1690
Family Violence Prevention Month .....	1690
Health Care Spending .....	1690
Stephen's Backpacks .....	1691
Pan-Canadian Paralympic School Week .....	1691
Government Accountability .....	1700
Oral Question Period	
H1N1 Influenza Immunization .....	1691
H1N1 Influenza Vaccine .....	1692
Health Care Restructuring .....	1692
H1N1 Influenza Immunization for Hockey Teams .....	1693
Safe Communities Initiative .....	1693
Health and Wellness Executive Search Contract .....	1694
Cattle Price Insurance Program .....	1694
Alternative Energy Investment .....	1695
Trade Mission to Asia .....	1695
H1N1 Preparedness in Seniors' Living Facilities .....	1696
H1N1 Influenza Immunization for Aboriginal Albertans .....	1696
High School Completion for High-risk Students .....	1697
Grizzly Bear Protection .....	1698
Health Care Registration Services .....	1698
Health Board Senior Executive Contracts .....	1698
Bow Habitat Station .....	1699
Introduction of Bills	
Bill 51 Miscellaneous Statutes Amendment Act, 2009 .....	1700
Tabling Returns and Reports .....	1700
Tablings to the Clerk .....	1700
Government Bills and Orders	
Second Reading	
Bill 56 Alberta Investment Management Corporation Amendment Act, 2009 .....	1703
Bill 57 Court of Queen's Bench Amendment Act, 2009 .....	1703
Bill 58 Corrections Amendment Act, 2009 .....	1703
Bill 59 Mental Health Amendment Act, 2009 .....	1704
Bill 60 Health Professions Amendment Act, 2009 .....	1705
Bill 61 Provincial Offences Procedure Amendment Act, 2009 .....	1705
Bill 48 Crown's Right of Recovery Act .....	1706, 1710
Bill 46 Gunshot and Stab Wound Mandatory Disclosure Act .....	1706, 1708
Bill 49 Municipal Government Amendment Act, 2009 (No. 2) .....	1707
Committee of the Whole	
Bill 31 Rules of Court Statutes Amendment Act, 2009 .....	1711
Bill 49 Municipal Government Amendment Act, 2009 (No. 2) .....	1713
Bill 46 Gunshot and Stab Wound Mandatory Disclosure Act .....	1716
Government Motions	
Alberta Capital Bonds .....	1717

**STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA**

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